

Encyclopædia of Religion and Ethics

EDITED BY

JAMES HASTINGS

WITH THE ASSISTANCE OF

JOHN A. SELBIE, M.A., D.D.

PROFESSOR OF OLD TESTAMENT LANGUAGE AND LITERATURE IN THE
UNITED FREE CHURCH COLLEGE, ABERDEEN

AND .

LOUIS H. GRAY, M.A., Ph.D.

SOMETIME FELLOW IN INDO-IRANIAN LANGUAGES IN COLUMBIA UNIVERSITY, NEW YORK

VOLUME II

ARTHUR—BUNYAN

NEW YORK

CHARLES SCRIBNER'S SONS

REF
BL 31
.E44
1908
v. 2

GL

PRINTED IN GREAT BRITAIN BY
MORRISON AND GIBB LIMITED

[The Rights of Translation and of Reproduction are Reserved.]

Messrs. Charles Scribner's Sons, New York, have the sole right of publication of this
ENCYCLOPÆDIA OF RELIGION AND ETHICS in the United States and Canada.

LISTS OF ABBREVIATIONS

I. GENERAL

A.R. = Anno Hijrac (A.D. 622).
 Ak. = Akkadian.
 Alex. = Alexandrian.
 Amer. = American.
 Apoc. = Apocalypse, Apocalyptic.
 Apocr. = Apocrypha.
 Aq. = Aquila.
 Arab. = Arabic.
 Aram. = Aramaic.
 Arm. = Armenian.
 Ary. = Aryan.
 As. = Asiatic.
 Assyr. = Assyrian.
 AT = Altes Testament.
 AV = Authorized Version.
 AVm = Authorized Version margin.
 A.Y. = Anno Yazdagird (A.D. 639).
 Bab. = Babylonian.
 c. = *circa*, about.
 Can. = Canaanite.
 cf. = compare.
 ct. = contrast.
 D = Deuteronomist.
 E = Elohist.
 edd. = editions or editors.
 Egypt. = Egyptian.
 Eng. = English.
 Eth. = Ethiopic.
 EV, EVV = English Version, Versions.
 f. = and following verse or page.
 ff. = and following verses or pages.
 Fr. = French.
 Germ. = German.
 Gr. = Greek.
 H = Law of Holiness.
 Heb. = Hebrew.
 Hel. = Hellenistic.
 Hex. = Hexateuch.
 Himy. = Himyaritic.
 Ir. = Irish.
 Iran. = Iranian.

Isr. = Israelite.
 J = Jahwist.
 J' = Jehovah.
 Jerus. = Jerusalem.
 Jos. = Josephus.
 LXX = Septuagint.
 Min. = Minean.
 MSS = Manuscripts.
 MT = Massoretic Text.
 n. = note.
 NT = New Testament.
 Onk. = Onkelos.
 OT = Old Testament.
 P = Priestly Narrative.
 Pal. = Palestine, Palestinian.
 Pent. = Pentateuch.
 Pers. = Persian.
 Phil. = Philistine.
 Phoen. = Phœnician.
 Pr. Bk. = Prayer Book.
 R = Redactor.
 Rom. = Roman.
 RV = Revised Version.
 RVm = Revised Version margin.
 Sab. = Sabæan.
 Sam. = Samaritan.
 Sem. = Semitic.
 Sept. = Septuagint.
 Sin. = Sinaitic.
 Skr. = Sanskrit.
 Symm. = Symmachus.
 Syr. = Syriac.
 t. (following a number) = times.
 Talm. = Talmud.
 Targ. = Targum.
 Theod. = Theodotion.
 TR = Textus Receptus, Received Text.
 tr. = translated or translation.
 VSS = Versions.
 Vulg., Vg. = Vulgate.
 WH = Westcott and Hort's text.

II. BOOKS OF THE BIBLE

Old Testament.

Gn = Genesis.	Ca = Canticles.
Ex = Exodus.	Is = Isaiah.
Lv = Leviticus.	Jer = Jeremiah.
Nu = Numbers.	La = Lamentations.
Dt = Deuteronomy.	Ezk = Ezekiel.
Jos = Joshua.	Dn = Daniel.
Jg = Judges.	Hos = Hosea.
Ru = Ruth.	Jl = Joel.
1 S, 2 S = 1 and 2 Samnel.	Am = Amos.
1 K, 2 K = 1 and 2 Kings.	Ob = Obadiah.
1 Ch, 2 Ch = 1 and 2 Chronicles.	Jon = Jonah.
Ezr = Ezra.	Mic = Micah.
Neh = Nehemiah.	Nah = Nahum.
Est = Esther.	Hab = Habakkuk.
Job.	Zeph = Zephaniah.
Ps = Psalms.	Hag = Haggai.
Pr = Proverbs.	Zec = Zechariah.
Ec = Ecclesiastes.	Mal = Malachi.

Apocrypha.

1 Es, 2 Es = 1 and 2 Esdras.	To = Tobit.
	Jth = Judith.

Ad. Est = Additions to Esther.	Sus = Susanna.
Wis = Wisdom.	Bel = Bel and the Dragon.
Sir = Sirach or Ecclesiasticus.	Pr. Man = Prayer of Manasses.
Bar = Baruch.	1 Mac, 2 Mac = 1 and 2 Maccabees.
Three = Song of the Three Children.	

New Testament.

Mt = Matthew.	1 Th, 2 Th = 1 and 2 Thessalonians.
Mk = Mark.	1 Ti, 2 Ti = 1 and 2 Timothy.
Lk = Luke.	Tit = Titus.
Jn = John.	Philem = Philemon.
Ac = Acts.	He = Hebrews.
Ro = Romans.	Ja = James.
1 Co, 2 Co = 1 and 2 Corinthians.	1 P, 2 P = 1 and 2 Peter.
Gal = Galatians.	1 Jn, 2 Jn, 3 Jn = 1, 2, and 3 John.
Eph = Ephesians.	Jude.
Ph = Philippians.	Rev = Revelation.
Col = Colossians.	

III. FOR THE LITERATURE

1. The following authors' names, when unaccompanied by the title of a book, stand for the works in the list below.

- Baethgen = *Beiträge zur sem. Religionsgesch.*, 1888.
 Baldwin = *Dict. of Philosophy and Psychology*, 3 vols. 1901-05.
 Barth = *Nominalbildung in den sem. Sprachen*, 2 vols. 1889, 1891 (²1894).
 Benzinger = *Heb. Archäologie*, 1894.
 Brockelmann = *Gesch. d. arab. Litteratur*, 2 vols. 1897-1902.
 Bruns-Sachau = *Syr.-Röm. Rechtsbuch aus dem fünften Jahrhundert*, 1880.
 Budge = *Gods of the Egyptians*, 2 vols. 1903.
 Daremberg-Saglio = *Dict. des ant. grec. et rom.*, 1886-90.
 De la Saussaye = *Lehrbuch der Religionsgesch.*³, 1905.
 Denzinger = *Enchiridion Symbolorum*¹¹, Freiburg im Br., 1911.
 Deussen = *Die Philos. d. Upanishads*, 1899 [Eng. tr., 1906].
 Doughty = *Arabia Deserta*, 2 vols. 1888.
 Grimm = *Deutsche Mythologie*⁴, 3 vols. 1875-78, Eng. tr. *Teutonic Mythology*, 4 vols. 1882-88.
 Hamburger = *Realencyclopädie für Bibel u. Talmud*, i. 1870 (²1892), ii. 1883, suppl. 1886, 1891 f., 1897.
 Holder = *Altceltischer Sprachschatz*, 1891 ff.
 Holtzmann-Zöpfel = *Lexicon f. Theol. u. Kirchenwesen*², 1895.
 Howitt = *Native Tribes of S.E. Australia*, 1904.
 Jubainville = *Cours de Litt. celtique*, i.-xii., 1883 ff.
 Lagrange = *Études sur les religions sémitiques*², 1904.
 Lane = *An Arabic-English Lexicon*, 1863 ff.
 Lang = *Myth, Ritual, and Religion*², 2 vols. 1899.
 Lepsius = *Denkmäler aus Aegypten u. Aethiopien*, 1849-60.
 Lichtenberger = *Encyc. des sciences religieuses*, 1876.
 Lidzbarski = *Handbuch der nordsem. Epigraphik*, 1898.
 McCurdy = *History, Prophecy, and the Monuments*, 2 vols. 1894-96.
 Muir = *Orig. Sanscrit Texts*, 1858-72.
 Müss-Arnolt = *A Concise Dict. of the Assyrian Language*, 1894 ff.
 Nowack = *Lehrbuch d. heb. Archäologie*, 2 vols. 1894.
 Pauly-Wissowa = *Realencyc. der classischen Altertumswissenschaft*, 1894 ff.
 Perrot-Chipiez = *Hist. de l'art dans l'antiquité*, 1881 ff.
 Preller = *Römische Mythologie*, 1858.
 Réville = *Religion des peuples non-civilisés*, 1883.
 Riehm = *Handwörterbuch d. bibl. Altertums*², 1893-94.
 Robinson = *Biblical Researches in Palestine*², 1856.
 Roscher = *Lex. d. gr. u. röm. Mythologie*, 1884 ff.
 Schaff-Herzog = *The New Schaff-Herzog Encyclopedia of Religious Knowledge*, 1908 ff.
 Schenkel = *Bibel-Lexicon*, 5 vols. 1869-75.
 Schürer = *GJV*³, 3 vols. 1898-1901 [*HJP*, 5 vols. 1890 ff.].
 Schwally = *Leben nach dem Tode*, 1892.
 Siegfried-Stade = *Heb. Wörterbuch zum AT*, 1893.
 Smend = *Lehrbuch der alttest. Religionsgesch.*², 1899.
 Smith (G. A.) = *Historical Geography of the Holy Land*⁴, 1897.
 Smith (W. R.) = *Religion of the Semites*², 1894.
 Spencer (H.) = *Principles of Sociology*³, 1885-96.
 Spencer-Gillen^a = *Native Tribes of Central Australia*, 1899.
 Spencer-Gillen^b = *Northern Tribes of Central Australia*, 1904.
 Swete = *The OT in Greek*, 3 vols. 1893 ff.
 Tylor (E. B.) = *Primitive Culture*³, 1891 [⁴1903].
 Ueberweg = *Hist. of Philosophy*, Eng. tr., 2 vols. 1872-74.
 Weber = *Jüdische Theologie auf Grund des Talmud u. verwandten Schriften*², 1897.
 Wiedemann = *Die Religion der alten Aegypter*, 1890 [Eng. tr., revised, *Religion of the Anc. Egyptians*, 1897].
 Wilkinson = *Manners and Customs of the Ancient Egyptians*, 3 vols. 1878.
 Zunz = *Die gottesdienstlichen Vorträge der Juden*², 1892.

2. Periodicals, Dictionaries, Encyclopædias, and other standard works frequently cited.

- AA = Archiv für Anthropologie.
 AAOJ = American Antiquarian and Oriental Journal.
 ABAW = Abhandlungen d. Berliner Akad. d. Wissenschaften.
 AE = Archiv für Ethnographie.
 AEG = Assyr. and Eng. Glossary (Johns Hopkins University).
 AGG = Abhandlungen der Göttinger Gesellschaft der Wissenschaften.
 AGPh = Archiv für Geschichte der Philosophie.
 AHR = American Historical Review.
 AHT = Ancient Hebrew Tradition (Hommel).
 AJPh = American Journal of Philology.
 AJP = American Journal of Psychology.
 AJRPE = American Journal of Religious Psychology and Education.
 AJSL = American Journal of Semitic Languages and Literature.
 AJTh = American Journal of Theology.
 AMG = Annales du Musée Guimet.
 APES = American Palestine Exploration Society.
 APF = Archiv für Papyrussforschung.
 AR = Anthropological Review.
 ARW = Archiv für Religionswissenschaft.
 AS = Acta Sanctorum (Bollandus).
 ASG = Abhandlungen der Sächsischen Gesellschaft der Wissenschaften.
 ASoc = L'Année Sociologique.
 ASWI = Archaeological Survey of W. India.
 AZ = Allgemeine Zeitung.
 BAG = Beiträge zur alten Geschichte.
 BASS = Beiträge zur Assyriologie u. sem. Sprachwissenschaft (edd. Delitzsch and Haupt).
 BCH = Bulletin de Correspondance Hellénique.
 BE = Bureau of Ethnology.
 BG = Bombay Gazetteer.
 BJ = Bellum Judaicum (Josephus).
 BL = Bampton Lectures.
 BLE = Bulletin de Littérature Ecclésiastique.
 BOR = Bab. and Oriental Record.
 BS = Bibliotheca Sacra.
 BSA = Annual of the British School at Athens.
 BSAA = Bulletin de la Soc. archéologique à Alexandrie.
 BSAL = Bulletin de la Soc. d'Anthropologie de Lyon.
 BSAP = Bulletin de la Soc. d'Anthropologie, etc., Paris.
 BSG = Bulletin de la Soc. de Géographie.
 BTS = Buddhist Text Society.
 BW = Biblical World.
 BZ = Biblische Zeitschrift.

- CAIBL*=Comptes rendus de l'Académie des Inscriptions et Belles-Lettres.
CBTS=Calcutta Buddhist Text Society.
CE=Catholic Encyclopedia.
CF=Childhood of Fiction (MacCulloch).
CGS=Cults of the Greek States (Farnell).
CI=Census of India.
CIA=Corpus Inscript. Atticarum.
CIE=Corpus Inscript. Etruscarum.
CIG=Corpus Inscript. Graecarum.
CIL=Corpus Inscript. Latinarum.
CIS=Corpus Inscript. Semiticarum.
COT=Cuneiform Inscriptions and the OT [Eng. tr. of *KAT*²; see below].
CR=Contemporary Review.
CeR=Celtic Review.
CLR=Classical Review.
CQR=Church Quarterly Review.
CSEL=Corpus Script. Eccl. Latinorum.
DAC=Dict. of the Apostolic Church.
DACL=Dict. d'Archéologie chrétienne et de Liturgie (Cabrol).
DB=Dict. of the Bible.
DCA=Dict. of Christian Antiquities (Smith-Cheetham).
DCB=Dict. of Christian Biography (Smith-Wace).
DCG=Dict. of Christ and the Gospels.
DI=Dict. of Islam (Hughes).
DNB=Dict. of National Biography.
DPhP=Dict. of Philosophy and Psychology.
DWA W=Denkschriften der Wiener Akad. der Wissenschaften.
EBi=Encyclopædia Biblica.
EBr=Encyclopædia Britannica.
EEFM=Egyp. Explor. Fund Memoirs.
EI=Encyclopædia of Islâm.
ERE=The present work.
Exp=Expositor.
ExpT=Expository Times.
FHG=Fragmenta Historiarum Græcorum (coll. C. Müller, Paris, 1835).
FL=Folklore.
FLJ=Folklore Journal.
FLR=Folklore Record.
GA=Gazette Archéologique.
GB=Golden Bough (Frazer).
GGA=Göttingische Gelehrte Anzeigen.
GGN=Göttingische Gelehrte Nachrichten (Nachrichten der königl. Gesellschaft der Wissenschaften zu Göttingen).
GIAP=Grundriss d. Indo-Arischen Philologie.
GrP=Grundriss d. Iranischen Philologie.
GJV=Geschichte des jüdischen Volkes.
GVI=Geschichte des Volkes Israel.
HAI=Handbook of American Indians.
HDB=Hastings' Dict. of the Bible.
HE=Historia Ecclesiastica.
HGHL=Historical Geography of the Holy Land (G. A. Smith).
HI=History of Israel.
HJ=Hibbert Journal.
HJP=History of the Jewish People.
HL=Hibbert Lectures.
HN=Historia Naturalis (Pliny).
HWB=Handwörterbuch.
IA=Indian Antiquary.
ICC=International Critical Commentary.
ICO=International Congress of Orientalists.
ICR=Indian Census Report.
IG=Inscript. Græcæ (publ. under auspices of Berlin Academy, 1873 ff.).
IGA=Inscript. Græcæ Antiquissimæ.
IGI=Imperial Gazetteer of India² (1885); new edition (1908-09).
IJE=International Journal of Ethics.
ITL=International Theological Library.
JA=Journal Asiatique.
JAFL=Journal of American Folklore.
JAI=Journal of the Anthropological Institute.
JAOS=Journal of the American Oriental Society.
JASB=Journal of the Anthropological Society of Bombay.
JASBe=Journ. of As. Soc. of Bengal.
JBL=Journal of Biblical Literature.
JBTS=Journal of the Buddhist Text Society.
JD=Journal des Débats.
JDTb=Jahrbücher f. deutsche Theologie.
JE=Jewish Encyclopedia.
JGOS=Journal of the German Oriental Society.
JHC=Johns Hopkins University Circulars.
JHS=Journal of Hellenic Studies.
JLZ=Jenäer Literaturzeitung.
JPh=Journal of Philology.
JPTb=Jahrbücher für protestantische Theologie.
JPTS=Journal of the Pali Text Society.
JQR=Jewish Quarterly Review.
JRAI=Journal of the Royal Anthropological Institute.
JRAS=Journal of the Royal Asiatic Society.
JRASBo=Journal of the Royal Asiatic Society, Bombay branch.
JRASC=Journal of the Royal Asiatic Society, Ceylon branch.
JRASK=Journal of the Royal Asiatic Society, Korean branch.
JRGS=Journal of the Royal Geographical Society.
JRS=Journal of Roman Studies.
JThSt=Journal of Theological Studies.
*KAT*²=Die Keilinschriften und das AT² (Schrader), 1833.
*KAT*³=Zimmern-Winckler's ed. of the preceding (really a totally distinct work), 1903.
KB or *K/B*=Keilinschriftliche Bibliothek (Schrader), 1889 ff.
KGF=Keilinschriften und die Geschichtsforschung, 1878.
LCEI=Literarisches Centralblatt.
LOPh=Literaturblatt für Oriental. Philologie.
LOT=Introduction to Literature of OT (Driver).
LP=Legend of Perseus (Hartland).
LSSt=Leipziger sem. Studien.
M=Mélusine.
MAIBL=Mémoires de l'Acad. des Inscriptions et Belles-Lettres.
MBAW=Monatsbericht d. Berliner Akad. d. Wissenschaften.
MGH=Monumenta Germaniæ Historica (Pertz).
MGJV=Mittheilungen der Gesellschaft für jüdische Volkskunde.
MGWJ=Monatsschrift für Geschichte und Wissenschaft des Judentums.
MI=Origin and Development of the Moral Ideas (Westermarck).
MNDPV=Mittheilungen u. Nachrichten des deutschen Palästina-Vereins.
MR=Methodist Review.
MVG=Mittheilungen der vorderasiatischen Gesellschaft.
MWJ=Magazin für die Wissenschaft des Judentums.
NBAC=Nuovo Bullettino di Archeologia Cristiana.
NC=Nineteenth Century.
NHWB=Neuhebräisches Wörterbuch.
NINQ=North Indian Notes and Queries.
NKZ=Neue kirchliche Zeitschrift.
NQ=Notes and Queries.
NR=Native Races of the Pacific States (Bancroft).
NTZG=Neutestamentliche Zeitgeschichte.
OED=Oxford English Dictionary.
OLZ=Orientalische Literaturzeitung.
OS=Onomastica Sacra.
OTJC=Old Testament in the Jewish Church (W. R. Smith).
OTP=Oriental Translation Fund Publications.
PAOS=Proceedings of American Oriental Society.

<i>PASB</i> = Proceedings of the Anthropological Soc. of Bombay.	<i>SBAW</i> = Sitzungsberichte d. Berliner Akademie d. Wissenschaften.
<i>PB</i> = Polychrome Bible (English).	<i>SBB</i> = Sacred Books of the Buddhists.
<i>PBE</i> = Publications of the Bureau of Ethnology.	<i>SBE</i> = Sacred Books of the East.
<i>PC</i> = Primitive Culture (Tylor).	<i>SBOT</i> = Sacred Books of the OT (Hebrew).
<i>PEFM</i> = Palestine Exploration Fund Quarterly Memoirs.	<i>SDB</i> = Single-vol. Dict. of the Bible (Hastings).
<i>PEFSt</i> = Palestine Exploration Fund Statement.	<i>SK</i> = Studien und Kritiken.
<i>PG</i> = Patrologia Græca (Migne).	<i>SMA</i> = Sitzungsberichte d. Münchener Akademie.
<i>PJB</i> = Preussische Jahrbücher.	<i>SSGW</i> = Sitzungsberichte d. Kgl. Sächs. Gesellsch. d. Wissenschaften.
<i>PL</i> = Patrologia Latina (Migne).	<i>SWAW</i> = Sitzungsberichte d. Wiener Akademie d. Wissenschaften.
<i>PNQ</i> = Punjab Notes and Queries.	<i>TAPA</i> = Transactions of American Philological Association.
<i>PR</i> = Popular Religion and Folklore of N. India (Crooke).	<i>TASJ</i> = Transactions of the Asiatic Soc. of Japan.
<i>PRE</i> ³ = Prot. Realencyclopädie (Herzog-Hauck).	<i>TC</i> = Tribes and Castes.
<i>PRR</i> = Presbyterian and Reformed Review.	<i>TES</i> = Transactions of Ethnological Society.
<i>PRS</i> = Proceedings of the Royal Society.	<i>ThLZ</i> = Theologische Literaturzeitung.
<i>PRSE</i> = Proceedings Royal Soc. of Edinburgh.	<i>ThT</i> = Theol. Tijdschrift.
<i>PSBA</i> = Proceedings of the Society of Biblical Archaeology.	<i>TRHS</i> = Transactions of Royal Historical Society.
<i>PTS</i> = Pali Text Society.	<i>TRSE</i> = Transactions of Royal Soc. of Edinburgh.
<i>RA</i> = Revue Archéologique.	<i>TS</i> = Texts and Studies.
<i>RAnth</i> = Revue d'Anthropologie.	<i>TSBA</i> = Transactions of the Soc. of Biblical Archaeology.
<i>RAS</i> = Royal Asiatic Society.	<i>TU</i> = Texte und Untersuchungen.
<i>RAssyr</i> = Revue d'Assyriologie.	<i>WAI</i> = Western Asiatic Inscriptions.
<i>RB</i> = Revue Biblique.	<i>WZKM</i> = Wiener Zeitschrift f. Kunde des Morgenlandes.
<i>RBEW</i> = Reports of the Bureau of Ethnology (Washington).	<i>ZA</i> = Zeitschrift für Assyriologie.
<i>RC</i> = Revue Critique.	<i>ZA</i> = Zeitschrift für ägypt. Sprache u. Altertumswissenschaft.
<i>RCel</i> = Revue Celtique.	<i>ZATW</i> = Zeitschrift für die alttest. Wissenschaft.
<i>RCh</i> = Revue Chrétienne.	<i>ZCK</i> = Zeitschrift für christliche Kunst.
<i>RDM</i> = Revue des Deux Mondes.	<i>ZCP</i> = Zeitschrift für celtische Philologie.
<i>RE</i> = Realencyclopädie.	<i>ZDA</i> = Zeitschrift für deutsches Altertum.
<i>REG</i> = Revue des Études Grecques.	<i>ZDMG</i> = Zeitschrift der deutschen morgenländischen Gesellschaft.
<i>REG</i> = Revue Égyptologique.	<i>ZDPV</i> = Zeitschrift des deutschen Palästina-Vereins.
<i>REJ</i> = Revue des Études Juives.	<i>ZE</i> = Zeitschrift für Ethnologie.
<i>REth</i> = Revue d'Ethnographie.	<i>ZKF</i> = Zeitschrift für Keilschriftforschung.
<i>RGG</i> = Die Religion in Geschichte und Gegenwart.	<i>ZKG</i> = Zeitschrift für Kirchengeschichte.
<i>RHLR</i> = Revue d'Histoire et de Littérature religieuses.	<i>ZKT</i> = Zeitschrift für kathol. Theologie.
<i>RHR</i> = Revue de l'Histoire des Religions.	<i>ZKWL</i> = Zeitschrift für kirchl. Wissenschaft und kirchl. Leben.
<i>RM</i> = Revue du monde musulman.	<i>ZM</i> = Zeitschrift für die Mythologie.
<i>RN</i> = Revue Numismatique.	<i>ZNTW</i> = Zeitschrift für die neuest. Wissenschaft.
<i>RP</i> = Records of the Past.	<i>ZPhP</i> = Zeitschrift für Philosophie und Pädagogik.
<i>RPh</i> = Revue Philosophique.	<i>ZTK</i> = Zeitschrift für Theologie und Kirche.
<i>RQ</i> = Römische Quartalschrift.	<i>ZVK</i> = Zeitschrift für Volkskunde.
<i>RS</i> = Revue sémitique d'Épigraphie et d'Hist. ancienne.	<i>ZVRW</i> = Zeitschrift für vergleichende Rechtswissenschaft.
<i>RSA</i> = Recueil de la Soc. archéologique.	<i>ZWT</i> = Zeitschrift für wissenschaftliche Theologie.
<i>RSI</i> = Reports of the Smithsonian Institution.	
<i>RTAP</i> = Recueil de Travaux relatifs à l'Archéologie et à la Philologie.	
<i>RTP</i> = Revue des traditions populaires.	
<i>RThPh</i> = Revue de Théologie et de Philosophie.	
<i>RTr</i> = Recueil de Travaux.	
<i>RVV</i> = Religionsgeschichtliche Versuche und Vorarbeiten.	
<i>RWB</i> = Realwörterbnch.	

[A small superior number designates the particular edition of the work referred to, as *KAT*², *LOT*⁶, etc.]

BLOOD-FEUD.

Primitive (L. H. GRAY), p. 720.

Aryan (O. SCHRADER), p. 724.

Celtic (J. L. GERIG), p. 725.

Greek (I. F. BURNS), p. 727.

Hindu (J. JOLLY), p. 729.

Muslim (GAUDEFRY-DEMOMBYNES), p. 730.

Roman (I. F. BURNS), p. 731.

Semitic (A. H. HARLEY), p. 731.

Slavonic (O. SCHRADER), p. 733.

Teutonic (E. MOOK), p. 735.

BLOOD-FEUD (Primitive).—One of the most wide-spread phenomena of primitive, and even of comparatively advanced, jurisprudence is the blood-feud. This, while subject to the most manifold gradations, may be defined, in its typical aspect, as that principle of ethnological jurisprudence whereby an entire family (more rarely clan or tribe) is made liable to retaliation and reprisals in kind by another family (or clan or tribe) against which a member of the former family (or clan or tribe) has committed a deadly offence (generally murder, less commonly rape or abduction). It is, in other words, the *lex talionis* exercised between families (more rarely clans or tribes), often including those connected with them by any form of blood-covenant; it is communal vengeance, as distinguished from individual revenge. Its ultimate foundation is, indeed, personal retaliation; but, in proportion as the family develops, the principle of the blood-feud grows in importance, until it reaches its climax in the modern tenet that an entire government is bound to require punishment for injury done to one of its citizens by another nation or by a member or members thereof. On the other hand, just as in the latter case concessions or pecuniary compensation normally take the place of demanding life for life, so in relatively primitive jurisprudence, murder, rape, and other grave offences may frequently be commuted in various ways; the blood-feud is replaced by the *wergeld* (see below).

The essentially communal nature of the blood-feud carries with it the corollary that, among many peoples, one unprotected by ties of family, clan, or tribe may be injured in person or possessions without risk of blood-vengeance, unless he has received artificial kinship by some form of blood-covenant or enjoys the status of guest, which in itself constitutes in great measure a temporary quasi-adoption into the family (very rarely into the clan or tribe) of his host. This explains the fact that many peoples rob or kill strangers with impunity and without any sense of wrong-doing, although among themselves they may have the highest regard for the possessions and lives of their fellows, as among the Polynesians, where the property of strangers was held to belong to the gods of the land, so that it could be seized and the owners killed with impunity by those among whom the strangers in question had come (Mariner, *Tonga Islands*, London, 1818, i. 308; Mathias G. . . , *Lettres sur les îles Marquises*, Paris, 1843, p. 106).

The blood-feud is, among many peoples, a sacred obligation, to which the kinsmen of the murdered man are in duty bound, as among the African Bakawiri (Leuschner, in Steinmetz, *Rechtsverhältnisse von eingeborenen Völkern in Afrika und Ozeanien*, Berlin, 1903, p. 23). To such a degree is this concept carried that it is often believed that the soul of the murdered man finds no rest until blood-vengeance has been exacted, as among the Australians and Papuans (Kohler, in *ZVRW* vii. 363, 376), and the African Banaka, Bapuku, Diakite Sarakolese, and Washambala (Steinmetz, *op. cit.* p. 51; Nicole, in Steinmetz, *op. cit.* p. 132; Lang, *ib.* p. 257). He who does not perform blood-vengeance when he should is despised, not as a coward, but as a recreant to the demands of religion and duty, as among the Negro Akka

(Monrad, *Gemälde von der Küste von Guinea*, Weimar, 1824, p. 90 f.) and Felups (Park, *Reise in das Innere von Afrika*, Hamburg, 1779, p. 20), the South American Arawaks (Schomburgk, *Reise in Britisch Guiana*, Leipzig, 1847, i. 157), in Australia and New Guinea (Kohler, in *ZVRW* vii. 364, 376; Grey, *Journal of Two Expeditions in North-West and West Australia*, London, 1841, ii. 240), and in the Indonesian islands of Leti, Moa, and Lakor (Riedel, *De sluik- en kroesharige rassen tusschen Selebes en Papua*, The Hague, 1886, p. 370). In at least some cases the object of the blood-feud appears to have been sacrifice of the murderer or his kin to the *manes* of the victim, thus explaining the rule of the South American Tupi that the relatives of the murdered man should strangle the slayer on the very spot of his crime (Featherman, *Social History of the Races of Mankind*, London, 1887-90, iii. pt. 2, p. 340). This usage finds its antithetical parallel in the North American Indian adoption of the murderer in his victim's stead (see below, p. 722^b). The women are often described as especially assiduous in demanding the inauguration of the blood-feud, as among the Iroquois, Florida Indians, Caribs, and Brazilians (Laftau, *Mœurs des sauvages américains*, 16mo ed., Paris, 1724, iii. 149-151).

The degree of kinship involved in the duty of satisfying blood-vengeance varies widely. In its greatest extent any member of the family, clan, or tribe to which the murdered man belonged may kill any member of the family, clan, or tribe of the murderer, as in New Guinea, where the murderer himself is not killed (von Hasselt, in *ZE* viii. 193; cf. the Australian Dieri custom of killing the eldest brother of the offender rather than the offender himself [Howitt, p. 327]), and among the African Somali and Bakawiri (Haggenmacher, in *Petermann's Mittheilungen*, Erg. x. No. 47, p. 31; Leuschner, in Steinmetz, *op. cit.* p. 23). Elsewhere the feud may be restricted to totem-families, as among some Australians and the South American Goajiros (Kohler, in *ZVRW* vii. 364, 382). In its extremest form the blood-feud prevailed generally in Polynesia, especially in New Zealand (Angas, *Savage Life in Australia and New Zealand*, London, 1847, ii. 171; Thompson, *The Story of New Zealand*, London, 1859, i. 98). In Polynesia, if the offender escaped, his whole family paid the penalty in his stead (Wakefield, *Adventure in New Zealand*, London, 1845, ii. 108); in Tonga and Samoa, where *wergeld* was accepted only rarely, all kinsmen of the offender were killed if they could be found (Shortland, *Traditions and Superstitions of the New Zealanders*, London, 1854, p. 224); and in New Zealand the kinsmen of a murdered man often killed in revenge the first man on whom they chanced, whether friend or foe (Dieffenbach, *Travels in New Zealand*, London, 1843, ii. 127).

The blood-feud may, however, be restricted to certain members of the households of the murderer and the murdered—a system widely prevalent in Africa. Where the matriarchate is in force, only those related on the mother's side are involved, and where the patriarchal system has been developed, only those on the father's side. Accordingly, among the African Barea and Kunáma the son

avenges the death of a mother or uterine sister, the nephew his maternal uncle or aunt, and the maternal uncle his nephew or niece; but the son does not avenge his father, or the father his son. Among the Felups, on the other hand, as in Akkra, on the Gold Coast, the eldest son is the avenger of his father (Post, *Afrikan. Jurisprudenz*, Oldenburg, 1887, i. 61 f.). Similar rules prevail for the maternal side among the Goajiros and Australians (Kohler, in *ZVRW* vii. 382, 364; Bastian, in *ZE* vi. 305). If, however, the patriarchal and patriarchal systems are confused, these differentiations no longer hold, as among certain Brazilian tribes (Post, *Anfänge des Staats- und Rechtslebens*, Oldenburg, 1878, p. 182). An interesting sidelight on the primitive legal status of the wife is afforded by some of the laws of the blood-feud, which show whether she is regarded as having become the property of her husband or is held still to belong to her original family (cf. the twofold theory of the status of the individual in more highly developed polity, p. 723^b). From the latter point of view she is avenged, among the Bakawiri and Washambala, by her own blood-kinsmen, not by her husband (Steinmetz, *op. cit.* p. 23; Lang, *ib.* p. 257), this being the reverse of Banaka, Bapuku, and pagan Bambara practice (*ib.* pp. 49, 89); while among the Diakite Sarakolese of the French Sudan the husband may avenge his wife when duly authorized by the *kadi*, whereas if he does not request this privilege the duty devolves upon her kinsmen (Nicole, *ib.* p. 132). In West Africa the blood-feud 'is a duty belonging, first, to the "ijawe" (blood-relative), next to the "ikaka" (family), next to the "etomba" (tribe). The murdered man's own family takes the lead,—in case of a wife, her husband and his family, and the wife's family; sometimes the whole "ikaka"; finally, the "etomba" (Nassau, *Fetichism in West Africa*, New York, 1904, p. 19). In the African Sansanding States the right of blood-revenge belongs to the agnates of the murdered man in the order of their inheritance (Fama Mademba, in Steinmetz, *op. cit.* p. 89). Among the African Washambala, the blood-feud, which they exact only for murder, is directed against the offender and his wife, while his children are enslaved and his property is plundered (Lang, *ib.* p. 256 f.); and among the American Shawnee, in case wergeld was refused and the murderer could not be seized, his nearest kinsman was slain in his stead by the kinsmen of the murdered man (Featherman, *op. cit.* iii. pt. 1, p. 183), this being a quasi-analogue to the Dieri practice of substitution, to which attention has already been drawn (for the very different principle of substituting the murderer for the victim, see below, p. 722).

An interesting example of what may be called a ceremonial blood-feud is afforded by the Australian *pinya* (the *atninga* of the Central Australians), a sort of *posse comitatus*, which may hunt down the murderer or (as already noted) his eldest brother. In lieu of actually killing a victim, however, the *pinya* may subject the murderer to a milder penalty. Thus, among the Mukjarawint, in a case of blood-feud, a headman 'appointed a spot near at hand where the expiatory encounter should take place that afternoon, it being agreed that so soon as the offender had been struck by spear the combat should cease. Then the offenders stood out, armed with shields, and received the spears thrown at them by the dead man's kindred, until at length one of them was wounded. The Headman of the Garchukas then threw a lighted piece of bark, which he held, into the air, and the fight ceased. If it had been continued there would have been a general fight between the two totems' (Howitt, p. 335). This practice is wide-spread in Australia (Howitt, p. 335 ff.).

Artificial kinship, as noted above (p. 720), is also frequently reckoned in satisfaction of the blood-feud. Thus, among the Polynesians, brothers artificially created by blood-covenant were bound to require blood-revenge if one was killed, even though he fell in battle, which normally abrogates the necessity of such vengeance (Ellis, *Polynesian*

*Researches*², London, 1832, i. 290); and similar principles were observed among the Araucanian Pehuenche of South America (Post, *Grundlagen des Rechts*, Oldenburg, 1884, p. 69). The relation between host and guest often carries similar obligations with it, as among the African Barea and Kunama (Munzinger, *Ostaf. Studien*, Schaffhausen, 1864, p. 477), as does that between patron and client, as among the Barea and Bogo (Munzinger, *op. cit.* p. 243, and *Ueber die Sitten und das Recht der Bogos*, Winterthur, 1859, p. 43); so that among the African Takue wergeld is readily accepted for a murdered kinsman, but blood-revenge is exacted for the killing of a guest or client (Munzinger, *Ostaf. Stud.* p. 208).

Certain limits are, however, normally observed in the blood-feud. Men in full vigour are usually alone concerned. Women are, for the most part, exempt, as are children and aged men, among the Indians of Brazil (Post, *Anfänge*, p. 175), although some peoples, as the Sudanese, spare children only until they are old enough to bear arms (Marno, *Reisen im Gebiete des blauen und weissen Nil*, Vienna, 1874, p. 200), the same practice prevailing among the Nissan Islanders of the Bismarek Archipelago (Sorge, in Steinmetz, *op. cit.* p. 418) and the Marshall Islanders (Senfft, *ib.* p. 449). Other tribes, as the Nuforese of New Guinea and the African Banaka and Bapuku, render even women and children liable (von Hasselt, in *ZE* viii. 93; Kohler, in *ZVRW* vii. 376; Steinmetz, *op. cit.* p. 49). In like fashion the Caribs mercilessly slaughtered children (Labat, *Voyage aux îles d'Amérique*, The Hague, 1724, ii. 109), and the South American Tupinamba even extended the blood-feud to the child begotten by a prisoner of war, who, before being killed, was made to consort for this very purpose with a woman of his captors' tribe, the offspring being brought up expressly for slaughter (Schmidt, in *ZVRW* xiii. 297, 317). Some peoples, as the Makassars, forbid blood-feud between those of different rank, the inferior being entitled only to blood-money (Wilken, *Het strafrecht bij de volken van het maleische ras*, The Hague, 1883, p. 7); while in the Sansanding States one superior in rank is not liable to blood-feud for the murder of his inferior, unless robbery was the motive for the offence (Fama Mademba, in Steinmetz, *op. cit.* p. 88 f.).

Within the family the blood-feud has no existence, punishment here being meted out by the authority of the head of the family—a principle also observed in the clan and tribe; although, as the sense of blood-kinship decays in the last two divisions, it naturally becomes increasingly difficult for an interclan or intertribal blood-feud to arise.

The blood-feud is most generally begun, as has been noted, by murder, which may be entirely unintentional, as among the Australians, the Marshall Islanders, and in the Egyptian Sudan (Kohler, in *ZVRW* vii. 363, xiv. 443 f.; Marno, *op. cit.* p. 200), or committed in self-defence, as among the Bedawin (Kohler, in *ZVRW* viii. 254), or committed even by a person irresponsible for his acts, as among the African Ondonga and the Nissan Islanders of the Bismarek Archipelago (Rautanan, in Steinmetz, *op. cit.* p. 341; Sorge, *ib.* p. 418). The wide-spread belief in magic as the cause of death frequently leads to inquiry of the sorcerer as to the identity of the murderer and the consequent object of the blood-feud, as in Africa (Post, *Afr. Jur.* ii. 145 ff.), among the Nissan Islanders (Sorge, in Steinmetz, *op. cit.* p. 418), and the Dieri of South-East Australia (Howitt, p. 326), and in Central Australia generally (Spencer-Gillen^a, p. 490). The Bagobo of South Mindanao even made the medicine-man liable to the blood-feud on the ground that he had failed to avert death from the murdered man

(Schadenberg, in *ZE* xvii. 12). But, as the feeling of blood-kinship diminishes, a distinction is drawn between murder and manslaughter, the former still requiring blood-vengeance, while atonement may be made for the latter by a lesser penalty, or the offence may be commuted by wergeld, as in the Sansanding States and among the Diakite Sarrakolese of the French Sudan, the Washambala (Fama Mademba, in Steinmetz, *op. cit.* p. 89; Nicole, *ib.* p. 132; Lang, *ib.* p. 257), the Narrinyeri of South-East Australia (Howitt, p. 341), and the Papuans (Kohler, in *ZVRW* xiv. 380 f.). In case of offences other than murder, primitive jurisprudence varies extremely. Among the African Barea and Kunáma, and in Akkra, mere bodily injury does not render the offender liable to the blood-feud (Munzinger, *Ostaf. Stud.* p. 502; Monrad, *op. cit.* p. 98), as it does, for instance, in Montenegro (Wesnitsch, in *ZVRW* ix. 54; Miklosich, *Blutrache bei den Slaven*, Vienna, 1887, p. 21), while the African Bogo regard such injury as shedding half the blood of the injured part, so that half the price of blood-vengeance is required (Munzinger, *Bogos*, p. 81). Sexual offences, as infringing property rights (see art. ADULTERY), are sometimes subject to the blood-feud, notably adultery (Post, *Studien zur Entwicklungsgesch. des Familienrechts*, Oldenburg, 1889, pp. 355-359), fornication (the African Takue, Marea, and Beni-Amer [Munzinger, *Ostaf. Stud.* pp. 208, 245, 322]), and abduction (New Caledonians and Samoans [Post, *Anfänge*, p. 214]).

Since a true blood-feud is a family, clanal, or tribal affair, it can, properly speaking, be ended only by a solemn agreement between the families, clans, or tribes concerned; so that, if these will not consent to peace, the feud may persist for generations until one of the parties to it is annihilated, as among the Bagobo (Schadenberg, in *ZE* xvii. 28), the Manyema and Balégga (Post, *Afr. Jur.* i. 84; cf. *Anfänge*, p. 175f., *Geschlechtsgenossenschaft der Urzeit*, Oldenburg, 1875, pp. 159 ff.), and the Malagasy islands of Nossi-Bé and Mayotte (Walter, in Steinmetz, *op. cit.* p. 391). A war of fourteen years' duration was waged between the North American Indian Passamaquoddies and Micmacs because, while the two tribes were visiting each other, the son of the Passamaquoddy chief became enraged and killed the son of the Micmac chief, who refused every offer of reconciliation, even the life of the boy murderer (Leland and Prince, *Kulóskop the Master*, New York, 1902, p. 25 f.). Sometimes, however, as among the Australians, a blood-feud is satisfied if the offender be merely wounded (cf. above, p. 721^a; Howitt, pp. 336, 342; Kohler, in *ZVEW* vii. 365).

For a typical example of the termination of the blood-feud the ceremonies of the African Barea and Kunáma may be cited (Post, *Afr. Jur.* i. 67, his account being based on Munzinger, *Ostaf. Stud.* pp. 501 ff.). When a day has been fixed for the settlement of the feud, the murderer chooses a protector in the hostile village, to whom he sends durra to make beer. On the day appointed, all the villagers, except the family of the murdered man, go out to meet the murderer, whom they safeguard in their midst until he reaches the house of his victim. He enters the house and slaughters a barren cow to the *manes* of the murdered man, whose brother meanwhile grasps the cow's head. The murderer and his victim's brother then drink beer out of the same horn and eat meat from the same platter; each gouges out an eye of the slaughtered cow; and they exchange clothing so long as they sit together. The blood-price is then paid, and the murderer is escorted to his protector's house, while the family of his victim gives half the slaughtered cow as a feast to the village. The murderer must still shun the village for a year, but at the expiration of this time he again visits the kinsfolk of his victim, and is henceforth their closest kinsman and friend. In computing the blood-price, the number of those slain on each side is reckoned, and equality is secured by the payment of any difference in money or its equivalent, as among the Bogo and Somali of Africa (Munzinger, *Bogos*, p. 79; von der Decken, *Reisen in Ost-Afrika*, Leipzig, 1869-71, ii. 330) and the Bauro of the Solomon Islands (Post, *Anfänge*, p. 182), while under such circumstances the Maori returned the heads and booty which they had taken (*ib.* p. 183). The treaty is often still further strengthened by marriages between the two parties, as among the Bogo

and Beni-Amer (Munzinger, *Bogos*, p. 82 f., *Ostaf. Stud.* p. 322). Among the Banaka and Bapuku the blood-feud can cease only when an equal number have been killed on each side (Steinmetz, *op. cit.* p. 49).

The true blood-feud in its primitive form excludes all possibility of commutation by money or its equivalent. This extreme form is, however, comparatively rare, even the African Ondonga, who kill man for man, woman for woman, and child for child, having a fully developed system of wergeld (Rautanan, in Steinmetz, *op. cit.* p. 341). With the decline of the sense of blood-kinship and the concomitant decay of early family law, commutation of blood-vengeance becomes increasingly easy. Many peoples, like the Ondonga just mentioned, hold that murder may be punished either by blood-feud or by wergeld, at the option of the injured party, as among the Haidah of the Pacific coast (*NR* i. 168), the Papuans and Marshall Islanders (Kohler, in *ZVRW* vii. 376, xiv. 446), the Malays (*Tijdschrift voor Nederlandsch-Indië*, 1851, ii. 15), and the African Bogo, Tuareg, Galla, Bakawiri, and Diakite Sarrakolese (Munzinger, *Bogos*, p. 80; Duveyrier, *Les Touaregs du nord*, Paris, 1864, p. 428; Cecchi, *Fünf Jahre in Ostafrika*, Leipzig, 1888, p. 79; Leuschner, in Steinmetz, *op. cit.* p. 23; Nicole, *ib.* p. 132). In the Sansanding States in Africa the murderer, who may not be harmed by any but the avenger of blood, is alone exposed to the blood-feud, although both he and his agnates are liable for wergeld (Fama Mademba, in Steinmetz, *op. cit.* p. 89). Among the Nissan Islanders of the Bismarck Archipelago the somewhat curious rule is observed that, after blood-vengeance has been exacted, the party executing it pays the other party a wergeld to secure final settlement of the feud, thus obviating a series of reprisals on both sides (Sorge, in Steinmetz, *op. cit.* p. 418). Elsewhere, as among the Bantu (Kohler, in *ZVRW* xv. 56), acceptance of proffered wergeld is compulsory.

The supersession of the blood-feud by the wergeld is lucidly exemplified by the usage prevailing among the American Iroquois and Algonquins, which may be summarized as follows from Lafitau (*op. cit.* ii. 185-193). The people of each 'cabin' (i.e. *hodesote*, or 'long house') exercised jurisdiction over their own members, so that, if one killed another belonging to the same 'long house,' the village assumed that the deed had been done for good and sufficient reasons, and that in any case it was none of their business. If, on the other hand, the murder was committed by a member of another 'long house,' village, tribe, or stock, all those who had been connected with the slain man united to 're-make the spirit' [*refaire l'esprit (c'est leur expression)*] for the kinsmen of the deceased, while at the same time every effort was exerted to save the murderer's life and to protect his kin against the vengeance of the kin of the murdered man. One of the chiefs now offered 60 presents [cf. the similar Huron custom recorded in 1636 by Lejeune (*Jesuit Relations and Allied Documents*, Cincinnati, 1896-1901, x. 215-223, cf. also xxxiii. 239-249), 'the least of which,' according to Lejeune, 'must be of the value of a new beaver robe']. The first nine of these, which were for the immediate kinsmen of the deceased, were the most costly, each often being 1000 beads of wampum; and the remainder, which were displayed on a pole, represented all that the dead man had used while alive. If blood-vengeance had been executed before this wergeld had been proffered, it was the avengers who were bound to offer these presents, while the kinsmen of the murderer were released from all liability. At an earlier time the Huron had not only exacted the giving of presents, but had also required the murderer to remain beneath the putrefying corpse of his victim (which was elevated on poles) as long as the kinsmen of the murdered man desired. If the presents were not acceptable, the murderer himself was given, in addition to the wergeld, to the kinsmen of his victim, whose place he was to take. Although he was occasionally rejected, he usually came to be regarded exactly as the man whom he had slain; and Lafitau also adds, though without vouching for the statement, that further south the murderer was required to marry the wife and adopt the children of the slain man, thus clearly showing the substitution-motive in lieu of the sacrifice-motive (cf. p. 720^b) in blood-vengeance—a principle occasionally observed by the Algonquin Abenaki (Featherman, *op. cit.* iii. pt. 1, p. 96). Sometimes a murderer was even adopted as a son by the mother of his victim (Tanner, *Mémoires*, Paris, 1835, ii. 227).

Where the parties concerned have their own option as to whether the blood-feud shall be terminated by wergeld or some other means, outside authorities may not interfere, as among the

Araucanians and Greenland Eskimos (Post, *Anfänge*, p. 174), and the African Bogo, Barea, Kunama, and Marea (Munzinger, *Bogos*, p. 79, *Ostaf. Stud.* pp. 499, 242), and Msalala (Desoignes, in Steinmetz, *op. cit.* p. 280); but, if reconciliation proves impossible, the blood-feud remains in force. The offender often flees, a certain amount of start frequently being allowed him, this being 3½ days among the Bedawin (Post, *Studien*, p. 125; Kohler, in *ZVRW* viii. 253). He must then remain in exile, either until reconciliation has been effected, as among the Barea, Kunama, and Teda (Munzinger, *Ostaf. Stud.* p. 501; Nachtigal, *Sahara und Sudan*, Berlin, 1879-89, i. 448), or until his offence has been outlawed by the lapse of a definite period of time, this being 5 years among the Felups (Béranger-Féraud, *Les Peuples de la Sénégambie*, Paris, 1879, p. 293) and 1 year among the Californian Nishinam (Kohler, in *ZVRW* xii. 409). Here the blood-feud comes into immediate connexion with the jurisprudence governing the right of asylum (*g.v.*), but among some peoples, as many American Indian tribes, murder was the one and only offence that could never be outlawed (Loskiel, *Gesch. der Mission der evangel. Brüder unter den Indianern in Nord-Amerika*, Barby, 1789, p. 20; Morse, *Report to the Secretary of War on Indian Affairs*, New Haven, 1822, appendix, p. 99; Featherman, *op. cit.* iii. pt. 1, p. 440), so that the Creek harvest-festival in July or August brought amnesty for all offences except murder (Kohler, in *ZVRW* xii. 409).

By degrees the acceptance of proffered wergeld becomes compulsory, but if the offending party be unable to pay this, the blood-feud may, as primitive kinship-feeling decays, still be commuted in a variety of ways. Thus the offender may become the slave of the family, clan, or tribe that he has injured, as in Makassar, Saranglao, and Gorong (Wilken, *op. cit.* p. 24 f.; Riedel, *op. cit.* p. 156), and among the African Diagara (Hecquard, *Reise an der Küste und in das Innere von Westafrika*, Leipzig, 1854, p. 104); or he may become the slave of the chief of the tribe in question, as among the Malays of Menangkabau (Wilken, *op. cit.* p. 22); or of him who paid the blood-money, as in West Timor (Riedel, in *Deutsche geograph. Blätter*, x. 234). This form of punishment is also the penalty for many other offences (see SLAVERY). In Akkra, on the other hand, he who could not pay the wergeld was exposed to the extreme consequences of the blood-feud (Bosman, *Viaggio in Guinea*, Venice, 1752, ii. 91; Müller, *Die afr. auf der Goldküste gelegene Landschaft Fetu*, Hamburg, 1676, p. 116).

As soon as any mode of reconciliation or commutation becomes permissible between a murderer and the family, clan, or tribe of his victim, the decay of the blood-feud begins. It has already been seen that the commonest method of such reconciliation is by the payment of certain sums to the kinsfolk of the murdered man. Potent as is such wergeld in diminishing the scope and frequency of the blood-feud, other factors are still more powerful. With increasing civilization the predominance of the family and clan becomes less and less, while that of the tribe (and ultimately of the nation and State) becomes greater and greater. The blood-feud, which is at first absolutely essential if family is to be prevented from encroaching on family, is seen to be detrimental to the larger development of the embryo State, and measures of ever-increasing severity are taken to check and suppress the blood-feud, until at last it wholly disappears as a recognized institution. The struggle is, however, long and stubborn. The primitive State may hand the offender over to the kinsmen of his victim, that they may either execute blood-

revenge or obtain reconciliation in any way they please, as among the Iroquois, Batak, Malays of Menangkabau, Poggli Islanders, and African Bornu, Wadai, and Unyoro (Post, *Studien*, p. 128, *Anfänge*, p. 184); or the nearest kin of the murdered man may be appointed the official executioner of the murderer, as among the Galla (Cecchi, *op. cit.* p. 79) and Malays (Post, *Bausteine für eine allgemeine Rechtswissenschaft*, Oldenburg, 1880-81, i. 157), any anticipation of official sanction on the part of the avenger of blood being a punishable offence in the Sansanding States (Fama Mademba, in Steinmetz, *op. cit.* p. 89). In this way the place of the primitive avenger of blood is ultimately taken by a regular State executioner, as among the Malays of Nias (Wilken, *op. cit.* p. 22). Even in ancient Greece the State took cognizance of murder only when duly qualified kinsmen of the murdered man had lodged a formal complaint against the murderer.

Often there is a double system of punishment for murder and other grave offences—execution by officers of the State or blood-feud, as among the African Washambala (Lang, in Steinmetz, *op. cit.* p. 256); while, in case the system of commutation has come into effect, a certain amount of the wergeld may belong to the State, the remainder appertaining as damages to the kinsmen of the murdered man. On the other hand, the non-Muhammadans in the Sansanding States give the entire amount to the king, whereas Islāmic law awards the whole wergeld to the injured family (Fama Mademba, in Steinmetz, *op. cit.* p. 89), thus showing in epitome the antithetical status of the individual as belonging, in the one case, to the State, and, in the other, to the family (cf. the twofold theory of the status of the wife, above, p. 721). A murderer may often escape the blood-feud by voluntarily surrendering himself to the State; but if he will not do this, the blood-feud is officially sanctioned. Increasing limitations are, however, imposed by the State. The blood-feud is restricted to a brief period: three days in Johor (Wilken, *op. cit.* p. 7), or in *flagrante delicto* among the Arabs of the Red Sea coast (Klenm, *Kulturgeschichte*, Leipzig, 1843-52, iv. 149); while, in Makassar, if a murderer succeeded in reaching the judge, he was safe from blood-feud, and had only to pay the wergeld (Wilken, *op. cit.* p. 6). Elsewhere, as in Johor, the avenger of blood must make formal declaration of his intention before the judge (Post, *Bausteine*, i. 150). An especially potent restriction on the blood-feud is found, as already noted, in the system of asylum; and finally, with the more perfect development of the State, aided by a higher concept of religion (though, as a matter of fact, Christianity alone has contributed to this end), the blood-feud itself becomes murder and a crime, instead of a sacred and praiseworthy duty, and so is suppressed and disappears, surviving only in such stagnant phases of civilization as are still revealed from time to time by Sicilian *vendettas* or the feuds of the 'mountain whites' of Kentucky and Tennessee.

LITERATURE.—Frauenstädt, *Blutrache und Totschlagsühne*, Leipzig, 1881; Kohler, *Zur Lehre von der Blutrache*, Würzburg, 1885; Steinmetz, *Ethnol. Studien zur ersten Entwicklung der Strafe*, Leyden, 1894, i. 361-406, and *Rechtsverhältnisse von eingeborenen Völkern in Afrika und Ozeanien*, Berlin, 1903; Post, *Geschlechtsgenossenschaft der Urzeit*, Oldenburg, 1875, p. 155 ff., *Ursprung des Rechts*, Oldenburg, 1879, p. 87 ff., *Anfänge des Staats- und Rechtslebens*, Oldenburg, 1878, p. 172 ff., *Bausteine für eine allgemeine Rechtswissenschaft auf vergleichend-ethnol. Basis*, Oldenburg, 1880-81, i. 142 ff., *Afr. Jurisprudenz*, Oldenburg, 1887, i. 57 ff., *Studien zur Entwicklungsgesch. des Familienrechts*, Oldenburg, 1889, pp. 133 ff., and *Grundriss der ethnol. Jurisprudenz*, Oldenburg, 1894-95, i. 226 ff., ii. 246 ff. On the last-named work the present art. is largely based. A large amount of source-material is contained in *ZVRW* (cf. the index to i.-xx., s.v. 'Blutrache,' and such artt. as Kohler's summary of the North American Indian blood-feud, xii. 405-411, and Schmidt's summary for South America, xiii. 315-318). Much

may also be gleaned from travels and such general works as Waicz-Gerland, *Anthropologie der Naturvölker*, 6 vols., Leipzig, 1860-77.

LOUIS H. GRAY.

BLOOD-FEUD (Aryan).—Introduction.—The institution of the blood-feud may still be traced among all Aryan peoples: first, as it exists up to the present day among the Afghans and the Albanians, in Corsica and Sardinia, and among the Southern Slavs; secondly, at least in the older tradition, where it is clearly preserved, among the Greeks, Teutons, Celts, and the Western and Eastern Slavs; thirdly, with only scanty traces, among the Indians of the Veda, the Iranians of the Avesta, and the Romans. Its primitive Aryan signification lies in the etymological correspondence of Av. *kaēnā*, 'punishment,' 'revenge' (New Pers. *kin*, 'enmity,' 'hate,' 'anger')=Gr. *ποιή*, 'blood-revenge' and '*wergeld*.' Probably it may also be connected with Ir. *cāin* (from **coini**)='emenda,' i.e. 'damni reparatio,' 'satisfactio de iure læso vel de iniuria illata.' The verb which underlies these substantives is Skr. *chī*, *chāyate*, 'punish,' 'avenge'; Av. *či*; Gr. *τινῶμαι*, *τινύμαι*, *τινω*, 'obtain compensation,' 'punish,' 'give compensation.' Compare also *τιω*, 'estimate a value,' 'honour.' The following characteristic features of the primitive Aryan period may be established from the identity of customs among individual tribes.

1. The obligation of blood-revenge is always attached to definite circles of relationship, which may be designated family or clan. Within this circle the blood-feud descends first of all from father to son.

For the Celts, cf. Giraldus, *Cambriae Descriptio*, cap. 17: 'Genus super omnia diligunt, et damna sanguinis atque decoris acriter ulciscuntur: vindictis enim animi sunt et irae cruentae, nec solum novas et recentes iniurias, verum etiam veteres et antiquas velut instantes vindicare parati'; and Walter Map, *De nugis curialium*, Dist. ii. cap. 22, § 96 (ap. Walter, *Das alte Wales*, p. 135, note 1): 'Ut moris est, vadem se nffert pro invene tota cognatio, et cavere iudicio sisti.'—For the Teutons, see Tac. *German.* cap. 21: 'Suscipere tam inimicitias seu patris seu propinqui quam amicitias necesse est: nec implacabiles durant. Luitur enim etiam homicidium certo armentorum ac pecorum numero, recipiente satisfactionem universa domus, utiliter in publicum, quia periculosiores sunt inimicitiae iuxta libertatem.'—For the Russians, cf. *Russkaja Pravda* of Jaroslav Volodimirovič (1013-1054): *Judicium Jaroslavi, filii Vladimiri*: 'Si interfecerit vir virum, ulciscatur frater fratrem, vel pater vel filius vel fratris filius vel sororis filius. Si vero nemo est, qui eum ulciscatur, solvendae sunt pro capite octoginta grivnae, si est principis vir,' etc. See below, p. 734^a.

In Homer the sons and grandsons, father, brothers, and brothers' sons (*dysphōtēs*) and the *ērai* (*ērai*) are mentioned as avengers of blood: the last-named is an expression which probably belongs to the prououn-stem *sue-*, *svo-*, and so means much the same as the Latin *sui*. Once we find in place of *ērai* the word *δοσστήρες* (*Odys.* xiii. 119), from *δοσσω*, 'help.' This in turn is derived from a word corresponding with the Latin *socius* (**sueko*-s), namely, *ā-sFok-fo-s*=**a-ssoo*- (*ā* as in *ā-loxos*, 'bedfellow'), which is perhaps connected with *sue-*, *svo-*, *suis*, but is also capable of another derivation (cf. Walde, *Lat. Etymol. Wörterbuch*, p. 579).

2. As a result of this obligation to blood-revenge, we find a state of feeling between two families or clans which among West Teutons is technically called in Old High German *fēhida*, Anglo-Sax. *fēhð*, Mid. Lat. *faida* (O.H.G. *fēh*, Anglo-Sax. *fāh*, from **poiko*-s=Ir. *oech*, 'enemy'); in the Slavonic languages, Old Slav. *vražida* (Old Slav. *vragū*, 'enemy,' Old Pruss. *vargis*, 'bad'). The opposite conception to this in the Germanic languages is O.H.G. *fridu*, Anglo-Sax. *fridu*, Old Nor. *fridr*, **pritu*- (Skr. *priyā*, 'dear,' Goth. *frijōn*, 'love'); in the Slavonic, Russ. *mirū*, 'peace' (Skr. *mī-trā*, 'friend,' Lith. *mį-limas*, 'beloved,' Russ. *mī-tyj*, 'dear'). Fundamentally, therefore, peace and friendship (i.e. on the old view, relationship; cf. Schrader, *Reallex.* s.v. 'Freund und Feind') are identical conceptions. The Goth. *gafripōn* and the Russ. *primiriti* both mean 'to restore to a state of peace' (O.H.G. *fridu*,

* A star before a word signifies that the form does not occur but is inferred.

Russ. *mirū*), 'to reconcile.' It is characteristic that *mirū* had already in Old Russ. acquired the meaning of 'community,' for the community (the tribe) composed of various clans is, in normal conditions, a sphere of peace and friendship which can only for a longer or shorter period be interrupted or broken by the *faida* or *vražida*. Conversely, it may be suggested that the Greek *εἰρήνη*, 'peace,' is to be derived from *εἶρη*, 'assembly,' 'place of assembly,' and that this word (from **vervā*) is to be connected with Old Russ. *vervi*, 'community.' It is the community so designated that, according to the *Russkaja Pravda* of the 13th cent., is liable in certain cases for the payment of the *wergeld*, and thus perpetuates the solidarity of the old clan. The Greek *εἰρήνη* would thus be the (normal) condition of peace reigning in the community.

According to this explanation of *εἰρήνη*, it must be admitted that the supposed initial *F* has not as yet been traced either in Homer or in the Greek dialects; but the latter are clearly influenced strongly by the Attic form of the word, which lacks the digamma. Moreover, **vervā* (with prothetic vowel) may have become first **ḡ-FepFv* and then *εἶρη*.

Hence the present writer is inclined to believe that the conception of peace among the Aryan peoples originated primarily in view of the internal condition of the community (the tribe), and not with reference to external foes, with whom, indeed, in olden times there was no regular peace, but merely a cessation of hostilities (cf. Schrader, *Reallex.* s.v. 'Krieg und Frieden'). On Latin *pax* and Goth. *gawairpi*, 'peace,' see below (4). On the punishment of offences occurring within the family or clan see ARYAN RELIGION, above, p. 50.

3. The blood-feud was especially occasioned by the murder of an individual belonging to another clan, and, in a secondary degree, by bodily injury or insult. It is noteworthy in numerous old Aryan codes of law that the killing of a thief caught red-handed or of an adulterer detected in *flagrante* was exempt from punishment, i.e. in the language of primitive times it did not occasion a blood-feud (cf. Schrader, *Sprachvergleichung und Urgeschichte*, ii. 406, and ARYAN RELIGION, above, p. 50).

4. There existed among all Aryan peoples the possibility of buying off the blood-feud by means of a *wergeld*, and thereby bringing it to a peaceful conclusion.

For the Greeks, e.g., cf. Homer, *Il.* ix. 631:

καὶ μὲν τίς τε καυχήσεται δοῖντος
ποιήνῃ ἢ οὐ παῖδός δέξεται τεύχεσσι;
καὶ ὅ, ὃ μὲν ἐν δῖμῳ μένει αὐτοῦ, πόλλ' ἀποτίσας,
τοῦ δέ τ' ἐρηγίεται κραδίη καὶ θυμὸς ἀγήνωρ,
ποιήνῃ δεσφαιέων.

For the Teutons see the passage from Tacitus, *Germania*, quoted above, 'nec implacabiles durant,' etc.

Proof that this possibility existed even in the most primitive Aryan period is to be found in the identity between the Old Indian term for the *wergeld*, namely, *vāira*-, *vāira-dēya*-, *vāirayātana*-, and the Anglo-Sax. *wēre*, Mid. H. G. *were* (*weregelt*)—both being related to Skr. *virā*-, Lat. *vir*, Goth. *vair*, 'man.' Here the Old Russ. *virā*, 'wergeld,' must be mentioned, though the views of philologists waver as to whether it was originally related to the Indian and German words or borrowed from the latter (cf. L. von Schröder, 'Indogerman. Wergeld,' *Festgruss an Roth*, p. 49). The most probable supposition is that the Skr. *vāira*-, Anglo-Sax. *wēre*, and Old Russ. *virā*, exhibit various stages of change of the radical vowel of the original Aryan term for 'wergeld.' Moreover, the above cited equation, Av. *kaēnā*=Gr. *ποιή*, no doubt indicates that in the primitive period, as among the Greeks, the custom existed of buying off blood-revenge by payment of a *wergeld*. Similarly, we find in Slavonic languages the above-mentioned *vražida*, 'hostility,' 'revenge,' used also to mean the compensation by which homicide was expiated. Cf. also Cymr. *galanas*,

originally 'hostility' (*gál*, 'foe'), and then 'wer-geld'; and the Mid. Gr. *φόνος*, properly 'murder,' Lat. *pœna*, 'compensation,' and then 'punishment,' probably exhibits a borrowing from the Gr. *ποινή*.

At an early date prices or rates of *wergeld*, more or less fixed, must have been evolved. So in Old Indian sources (cf. Schrader, *Reallex.* p. 102) we find a hundred cows mentioned as the rate of compensation for a man (*vāiram*); and Tacitus also, in the passage already cited, says: 'luitur homicidium certo armentorum ac pecorum numero.' 'From the rates stated, the general underlying principle emerges that the *wergeld* of bondsman, freeman, and noble were in the following proportion of $\frac{1}{2}$:1:2; that is, 75–150–300 shillings or oxen' (Müllenhoff, *Deutsche Altertumskunde*, iv. 327). For the rates among the Slavs see below, p. 734. What was demanded for the murdered, wounded, or insulted man by the clan, or by himself, constituted his 'value' or 'price,' and the recovery of this price by his friends and the recognition of the same by his foes constituted his 'honour.' This evolution of ideas is clearly stamped upon the languages that concern us. The Gr. *τιμή*, derived from *τίνω* mentioned above, signifies primarily 'revenge' (*ἔξβ' Ἀγαμέμνονος εἵνεκα τιμῆς* 'Ilion eis eipwlon, Hom. Od. xiv. 70, 117); then 'indemnity for injury,' 'compensation' (*ἀτιμος*, like *νήπιος*, denotes a person who may be slain without need for compensation); then 'honour.' Precisely similar is the development in the meaning of *cēna*, a word common to the Slavonic languages. The word corresponds exactly to the Gr. *ποινή* ('*goindā*'), and thus signifies in the first instance 'revenge' and 'wer-geld.' Then it takes over the meaning of 'price' and 'honour' (Old Slav. *cēniti* exactly answers to the Gr. *τιμᾶω*; so Schrader's *Reallex.* p. 835 f., and now Berneker, *Slav. Etym. Wörterbuch*, p. 124). In this connexion we find also the explanation of the hitherto unintelligible Gothic word *gawairpi*, 'peace,' mentioned above. The word has nothing to do with *wairpan* (Germ. *werden*), but is connected with *wairpi*, 'value,' 'worth.' Consequently its proper meaning is 'general agreement about the worth or value of a person,' the union and the resulting state of peace between two clans. It is noteworthy also that the first instance of the word *paciscor*, which underlies the Lat. *pax*, 'peace,' occurs in that passage of the XII Tables (viii. 2) which is the clearest survival in Roman tradition of the system of blood-revenge which once prevailed in that quarter as well: 'Si membrum rupit, ni cum eo pacit (agree about the value), talio esto.'

Thus we see that two of the most important conceptions of civilization—peace and honour—are at least in part rooted in the ideas that centre in blood-revenge and its buying off by the *wergeld*.

5. Among most Aryan peoples we find it the custom for the murderer, after his bloody deed, to flee from the country for a longer or shorter period, presumably in order that in the interval the anger of the hostile clan might abate and the terms of reconciliation become easier. It still remains uncertain whether this custom is to be assumed as existing even in primitive times, when renunciation of tribal connexion was almost a matter of life and death (cf. Schrader's *Reallex.* p. 835).

6. The fighting out or the amicable settlement of the blood-feud is, as we have seen, from the beginning exclusively the affair of the two hostile clans. Notwithstanding, perhaps the realization of the danger incurred by the whole clan owing to feuds of long duration (cf. above, Tacitus, *Germ.* cap. 21: 'periculosiores sunt inimicitiae iuxta libertatem') may have at an early period en-

sured efforts upon the part of the race, in their assemblies under the direction of the king (Skr. *rāj-* = Lat. *rex*, Ir. *rí*), towards the amicable settlement of clan feuds. A settlement of this description would naturally, even in primitive times, be accompanied by a long succession of solemn ceremonies. We have ample information on this point as regards especially the Slavonic world (see below, p. 734 f.). Everywhere in Europe two factors tended towards the restriction and ultimate eradication of the blood-feud: first, the *State*, that is, the absorption of the old clan and race-constitutions into the political composition of a State based on the principle of territory and no longer of consanguinity; and, secondly, the *Christian Church*, which offered sanctuary even to murderers. See art. ASYLUM.

LITERATURE.—The literature has been given in the article.

O. SCHRADER.

BLOOD-FEUD (Celtic).—I. Terminology.

The usual word in Old Irish is *fích* ('feud,' 'fight'), *fichim* ('I fight'), cognate with Lat. *vinco*, etc. In the *Acallam na Senórach* (Windisch, Ir. Texte, Leipzig, 1880–1905, iv. pt. i. p. 47), we learn that at the feast of Tara, which lasted six weeks, *nech fala ná frihfala do thabairt* ('neither feud nor cross-feud to be given'). The Irish *fala* is for *folā*, gen. of *fuil* ('blood'), perhaps connected with Welsh *gweli*, Cornish *goly*, Breton *gouli* ('wound'); but cf. Henry, *Lex. bret.*, Rennes, 1900, p. 139. For 'vengeance,' 'revenge,' we have the Irish *dígal*, Welsh *dial* ('vindicta,' 'ultio'), Cornish *dial*. The Irish *éric* ('composition') is probably for **er-icca*, **per-yecca* ('full payment,' 'perfect cure' [d'Arbois de Jubainville, *Études sur le droit celtique* = *Cours de litt. celt.* vii., Paris, 1895, p. 88]). Finally, the Irish *dire* ('duty'), in *coirp-dire*, is the same as the Welsh *dirwy*, *dirui* ('muleta'), *dir* ('necessary'), Irish *dír* ('just,' 'due,' etc.) [Stokes, *Ur-kelt. Sprachschatz*, Göttingen, 1894, p. 148].

2. History of the blood-feud among the Celts.

That the institution of the blood-feud was in existence among the early Celts is obvious from the numerous references to it in ancient Irish literature. One of the best known instances is found in the *Fotha Catha Cruacha* ('Cause of the Battle of Cruacha').

Cumall, the royal warrior of Ireland, carried off Murni, daughter of the druid Tadg, because her father had refused him permission to marry her. Tadg complains to Cond, supreme king of Ireland, who, according to the *Annals of Ireland by the Four Masters* (ed. O'Donovan, Dublin, 1848–51, i. 102–121), reigned from 122 to 157 A.D. Cond, furious at the insulting words of Tadg, sends soldiers to take possession of the girl. Cumall refuses to surrender Murni, and is killed by Goll, son of Morna. In attempting to avenge Cumall, Luchet succeeds only in wounding Goll in the eye. Goll kills Luchet; and, to quote the Irish, *is desin robót fích bunaid eter macu Morna ocus Find*, 'it is from that, then, that there was an hereditary feud between the sons of Morna (descendants of Goll) and Find (the son of Cumall).' Furthermore, after the death of Cumall, Tadg not only refuses to receive his daughter Murni, but orders her to be burned because she is pregnant. Accordingly she invokes the protection of Cond, and gives birth to a son, Find. When this son arrives at a suitable age, he offers to his grandfather, Tadg, the following: *cath no comrac cenfir . . . no lanéaraic a athar do thabairt dó*, 'a battle or a duel or full éric (for the murder) of his father to be given to him.' Tadg accepts the last, and is obliged to give the castle and grounds in Ailnu to Find (*RCel* ii. 86, etc.).

Again, in the *Longes mac n-Uisnig*, Conchobar, the great king of the first epic cycle—i.e. about the beginning of the Christian era (Hyde, *Lit. Hist. of Ireland*, London, 1899, p. 243)—has the three sons of Uisnech treacherously murdered after having promised them protection. The three heroes, Fergus, Dubthach, and Cormac, who had guaranteed their safety, set to work to avenge their murder. First they murdered four of the immediate relatives of Conchobar, and, later, when attacked by him, killed three hundred of his men and their wives, and burned the royal palace at Emain. With 3000 men they sought refuge at the court of Ailill and Medb, king and queen of Connaught, and continued their feud against Conchobar for sixteen years (Windisch, *op. cit.* i. 75–77). Cináeth hua Artacain, who died in 975 (*Annals of Tigernach*, *RCel* xvii. 259) had a more complete account of this story, which stated that Conchobar, in retaliation for the murder of his relatives, killed Gergenn, the son of Illad (Windisch, *op. cit.* ii. 2, p. 119). Numerous other

examples could be cited, such as *Aided Conroi*, in which the murder of Conroi is avenged by his anna (d'Arbois, *Épopée celtique en Irlande*=*Cours de litt. celt.* v., Paris, 1892, p. 327 l.); the death of Conchohar, where Mesgegra, king of Leinster, is avenged (O'Curry, *Lectures on the Manuscript Materials of Ancient Irish History*, Dublin, 1878, p. 637 l.); *The Voyage of Mail Duin*, in which the hero is taunted for not avenging his father's death (Stokes, *RCel* ix. 459, etc.), etc.

In the *Ancient Laws of Ireland*, some of which, such as the *Senchus Mór*, date as early as the 7th century (Hyde, *op. cit.* p. 589), we find murder classed under two heads—necessary murder (*marbad dethbire*), and unnecessary murder (*marbad in-dethbire*). Necessary murder is unpremeditated, or, if premeditated, is accomplished through duty of vengeance. Unnecessary murder is for motives of gain (*Anc. Laws*, iii. 68, ll. 12–14; iv. 248, ll. 25–26). In the case of the first, no composition, or *éric*, was required if the murder was the result of vengeance. According to the *Ancient Laws* (iv. 252–4), 'when the murder of a member of the *derbfine* (i.e. of any relative of the *geilfine* or *derbfine*) is to be avenged by the death of the murderer, the family of the murdered has a right to the *corp-dire* ("body-price") and the *enech-lann* ("honour-price"); if, however, it has received this *éric* before exercising vengeance, it must, after taking vengeance, make full restitution of this price. The duty of vengeance was imposed upon the nearest relatives of the victim—upon the *geilfine* and *derbfine* (d'Arbois, *Droit celtique*, p. 186). To understand these terms, we must remember that the Irish family was divided into four groups, consisting of seventeen persons in all: *geilfine*, *derbfine*, *iarfine*, and *indfine* (*Anc. Laws*, i. 282, ll. 23, 27; p. 272, l. 23). To the *geilfine* belonged the father, son, grandson, and brother of the murdered; while to the *derbfine*, besides the above five, were added the grandfather, paternal uncle, nephew (son of the brother), and cousin-german (cousin to the fourth degree in the paternal line). In addition to the above eight persons, three others could take vengeance on the murderer. These three were the foster-father, whose *dalta*, or pupil, was murdered; the adoptive father, whose *mac faosma*, or adopted son, was killed; and the (maternal) uncle, when the son of his sister (*mic mna*) was the victim of the murderer (*Anc. Laws*, iv. 244, ll. 20–22). So, in ancient Ireland, the blood-feud was fostered by the duty of vengeance. We have indications of its existence as late as the 16th cent., in the celebrated feuds between the chief Manus O'Donell and his son, between the Earl of Thomond and his uncles, etc. (Moore, *Hist. of Ireland*, London, 1835–46, ii. 367). As in Scotland, the most usual causes and consequences of the later feuds were the destruction of crops and the driving-away or houghing of cattle belonging to persons occupying lands to which others alleged a claim. One of the most celebrated cattle-raids in Irish literature is the *Táin Bó Cualnge*, or the Cattle-Raid of Cooley (ed. Windisch, Leipzig, 1905). Sir Walter Scott in his *Waverley* (ch. xv.) describes a similar expedition undertaken by twelve Highlanders.

In Wales, where, as the testimony of Giraldus of Cambrai and Walter Map shows (see above, p. 724^a), the blood-feud once flourished, the Roman conquest brought about the suppression of both the duty of vengeance and the payment of *éric* for murder. The *Lex Cornelia de sicariis* of Sulla (B.C. 81) and the laws of Caesar and Augustus (*Lex Julia de vi publica* and *de vi privata*) imposed severe penalties upon those who went about bearing arms with the intention to kill (Rein, *Das Criminalrecht der Römer*, Leipzig, 1844, pp. 409–14, 752, etc.). On this account, no doubt, the Welsh *dirui* or *dirwy* changed its meaning from *éric* ('composition') to '*multa*' ('fine paid to the State'). After the departure of the Romans, while the *éric* was re-

established, the duty of vengeance failed to assume its former force. This was in part due to the fact that the *cenedd*, or clan, was already to some extent disintegrated as early as the 10th cent. (Rhys and Brynmor-Jones, *The Welsh People*, London, 1900, p. 196). The feuds between the clans were largely superseded by the warfare between the petty kingdoms. But that the duty of vengeance was not looked upon unfavourably is manifest from several statements in the Dimetian Code, which was probably redacted under Howel in the 10th cent. (Rhys, *op. cit.* p. 181).

According to this code, 'if there is in a *cenedd* an ecclesiastic or an idiot, he is neither to pay nor to receive any part of the *galanas* ("body-price")'; and 'no vengeance is to be exercised against any one of these for *galanas*, neither are they to avenge a relation that is killed.' Furthermore, if a *cenedd* 'commences paying the *galanas* of a person killed, and the whole has not paid, and if on that account one of such kindred stock (*cenedd*) be murdered, the *galanas* for that individual is not to be paid; neither is anything to be restored of what had been paid on account of the first.' Finally, if 'an innocent person is accused of murder and neglects to seek justice, and if he be killed on account of it, nothing is to be paid for him' (*Anc. Laws of Wales*, London, 1841, i. ch. i. p. 199f.; cf. also ii. ch. viii. p. 214, etc., for cases in which the law 'exonerates the avenging').

But it was especially among the Scots that the blood-feud raged with ferocity. From the 12th cent., when the *sept* or clan first appears as a distinct feature in the social organization of Scotland (Skene, *Celtic Scotland*, Edinburgh, 1890, ii. 303), until the 17th cent., there was no cessation of clan-feuds. When there were no sweeping feuds involving the most prominent families, such as Huntly against Argyll, or Stewart against Hamilton, the minor chiefs were fighting among themselves (Lang, *Hist. of Scotland*, Edinburgh, 1902, ii. 541, etc.). The usual method was for a laird or yeoman to gather his henchmen and make a raid on some estate to which he alleged a claim, or for other reasons sometimes very insignificant. They would trample down the crops, hough the cattle, and drag the women about by their hair, killing all who might resist (Lang, *loc. cit.*). Such cases were most frequent. In fact, the volume of the Privy Council Register for 1613 contains no fewer than 42 feuds then running, not including those in the Highlands and Islands. Even ministers of the gospel were sometimes so swayed by their passions that they took part in these ferocities.

One of the most noted of these feuds was that of the Colquhouns and the Macgregors, which culminated in the battle of Glenfruin in 1602. According to Birrell's diary (2nd Oct. 1603), sixty widows of the slain Colquhouns rode on white horses before the king at Stirling, each bearing in her hand a pike upon which was displayed the bloody shirt of her dead husband. A long and deadly feud was that between the Scotts and Kerrs, of which Sir Walter Scott speaks in his *Lay of the Last Minstrel*. This feud began with the battle of Melrose in 1528. As a consequence, Sir Walter Scott was assassinated in the streets of Edinburgh in 1562. In order to atone this feud, which was sapping the life-blood of these two great families, a bond or contract was made between them in Edinburgh on 23rd March 1564, in which they agreed to cease hostilities (Pitcairn, *Criminal Trials in Scotland*, Edinburgh, 1833, iii. 390, etc.). But it accomplished nothing, for the feud was still raging in 1596 (cf. also Campbell, *Clan Traditions*, London, 1895).

3. '*Éric*,' or composition.—Caesar attests the fact that the payment of *éric* was an established custom among the primitive Gauls. In speaking of the importance of the druids in ancient Gaul, he says: 'Nam fere de omnibus controversiis, publicis privatisque, constituunt; et, si quod est admissum facinus, si caedes facta, si de hereditate, si de finibus controversia est, iidem decernunt; praemia poenaeque constituunt' (*de Bell. Gall.* vi. 13). The earliest mention of this institution in Ireland is found in the *Confessio* of St. Patrick, where he says: 'censeo enim non minus quam pretium quindecim hominum distribui illis.' Tirechan, writing in the 7th cent., explains this statement of Patrick by adding '*animarum*' after '*quindecim*' (Stokes, *Tripartite Life*, London, 1887, ii. 310, 372). Furthermore, an Irish council of about the 7th

cent. decided that, in default of the family, the king himself might be held responsible for the payment of the *éric* (Wasserschleben, *Ir. Kanonen-versammlung*², Leipzig, 1885, p. 170).

In Ireland, the *éric* was divided into two classes: the *coirp-díre*, or 'body-price,' and the *enech-lann*, or 'honour-price' (or *log-eneich*, lit. 'face-price,' Breton, *cnep-uvert*; cf. Ernault, *Gloss. moyen-breton*, Paris, 1895, p. 794). The *coirp-díre* was exacted in the case of unnecessary murder, or in necessary murder when not prompted by vengeance. The *enech-lann* was exacted in the case of bodily injury, insult, etc., and would, therefore, be necessarily included in the *coirp-díre*. In regard to the latter, the family had the choice of surrendering the criminal as property (*in féronn*) to the family of the murdered, or of giving land for his crime (*Anc. Laws of Ireland*, iv. 246, ll. 25-26). But, continue the *Ancient Laws*, 'each one dies for his premeditated crimes when he has not found the *éric*' (iv. 250, ll. 16-17). Thus, in the case of unnecessary murder the criminal was the sole debtor. But in necessary murder the criminal and his *geilfine* were held responsible for the payment of the *éric*. In default of the *geilfine*, the other three groups of the family found themselves involved (*ib.* i. 260, ll. 1-3; p. 274, ll. 12-13). The *coirp-díre* was fixed, consisting of *secht cumula*, 'seven female slaves' (iii. 70, ll. 7-8). The criminal was obliged to pay the *aithgín* ('slave of restitution'), and his share both of the six other slaves and of the *enech-lann*. If his *geilfine* could not supply the rest, the *derbfine* would pay three-fourths, and the *iarfine* and *indfine*, one fourth, i.e. three-fourths of a fourth by the *iarfine* and one-fourth of a fourth by the *indfine* (*ib.* iii. 330, l. 710; p. 68, ll. 15-18). In the later history of Ireland, the *éric* for murder became more variable, and was paid in cattle or other property. It was continued as late as the beginning of the 17th cent., notwithstanding the efforts of the English to stamp it out (Hayne, 'Observation on the State of Ireland in 1600,' in the *Irish Eccles. Record*, Dec. 1887; for a more complete study of the *éric*, cf. d'Arbois, *Droit celtique*).

As the *coirp-díre* required the *enech-lann* in Ireland, so, in Wales, the murderer was obliged to pay both the *galanas* ('body-price') and the *saraad* ('disgrace- or honour-price'). The *galanas* varied according to the rank of the person killed. Thus the *penkenedl*, or clan-chief, was valued at 189 cows; an *uchelwyr*, or high man, noble, at 126 cows; a *penteulu*, 'man with a family without office,' at 84 cows; and so on down to the *caeth*, 'slave of the island,' at 1 lb. of silver and 4 cows. The *galanas* of a woman was always one-half of that of a man (Rhys, *op. cit.* p. 228 f.). In regard to the payment of the *galanas*, one-third fell upon the murderer and his father and mother, he paying twice as much as his parents. Furthermore, if he had children liable to pay, he paid two-thirds of his own share, and his children one-third. The remaining two-thirds of the whole *galanas* was paid by the relatives on the father's and mother's side, the father's kinsmen paying two-thirds and the mother's one-third. In regard to receiving the *galanas*, one-third fell to the lord for exacting it; one-third to the father and mother and their children and the children of the murdered; and one-third to the other kinsmen in the proportion as described above (*Anc. Laws of Wales*, i. 227, ll. 199-200, etc.).

In Scotland, according to the *Leges inter Brettos et Scottos*, which were codified under David I. (1124-53), the worth of the king's person is valued at 1000 cows; of the king's son or earl, 150 cows; of the earl's son or thane, 100 cows; of the thane's son, 66½ cows; of the thane's grandson or *ogtiern*,

44 cows and 21½ pence; while the *carle* or *villain* was valued at 16 cows (Robertson, *Hist. of Scotland*, 3 vols., London, 1831, App. ii.; Lang, *op. cit.* i. 81; Skene, *op. cit.* iii. 218, etc.).

4. Duel.—The duel was often the means of obtaining justice among the Celts. The canonical collection referred to above attributes to St. Patrick two decisions prohibiting the debtor from resorting to arms to prevent a creditor from levying a distress (d'Arbois, *Droit celtique*, p. 45 f.). But the individual could engage in a duel only with the knowledge and consent of his family and his chief. If he fought without their consent and was killed, the victor would be obliged to pay full *éric* to his family, unless he could prove that the murdered man had provoked him to fight (*Anc. Laws*, iii. 302, ll. 1-3; p. 296, ll. 19-21). So, on the Border of Scotland, trial by combat served often as a proof of guilt or innocence; and Sir Walter Scott notes a feud between Thomas Musgrave and Lancelot Carleton which was settled in this manner in 1603 (*Lay of Last Minstrel*, Note x.).

LITERATURE.—The literature has been given fully in the course of the article. JOHN LAWRENCE GERIG.

BLOOD-FEUD (Greek).—Blood-feud, or blood-revenge, is a widely diffused custom of primitive society, of which some instances still survive, as in the Corsican vendetta, and of which numerous traces are to be found in history and literature. It arises, as a rule, through a violation of rights practised by a member of one family against a member of another (A. H. Post, *Familienrecht*, p. 134). The breach of rights may take widely different forms, but its normal instance is that of murder, or at any rate homicide, and to this attention is confined in the present article. The parties primarily involved in such a feud are, on the one hand, the nearest kinsman of the slain man, and, on the other, the slayer; but the responsibility extends beyond these to the circle sometimes of their families, in a wider or narrower sense, sometimes of their entire respective clans (cf. e.g. *EBI*, s.v. 'Goel,' col. 1745). In many cases revenge can be satisfied only with the death of the slayer, or of one of his kin, but in others reconciliation is effected on the basis of compensation in money or kind. In every case vengeance is felt as a sacred duty. Its aim is largely, no doubt, to maintain the honour and integrity of the family or clan, and so far it has an ethical rather than a religious significance. But it is probable that blood-revenge has in every case, at least originally, been regarded also as a duty towards the spirit of the slain, and, as the tendance of the dead implies the recognition of spiritual beings and readily passes into worship, the blood-feud has to this extent a religious basis. By the Greeks certainly, in historic no less than in pre-historic times, vengeance on the murderer was regarded as a duty to the slain, and one of a religious kind. And probably the chief interest of the subject before us is the clear light which it sheds upon a whole world of thought and feeling which is in marked contrast with generally current conceptions about Greek religion.

1. Homer.—In Homer there are abundant traces of the custom. We read of Orestes avenging his father (*Od.* iii. 306), though this is the less usual case of blood-feud *within* the family, and of the understood right and duty of any man to avenge a brother or a son (*Il.* ix. 632; *Od.* xxiv. 434). In one instance (*Od.* xv. 273) the responsibility for vengeance falls also on the slain man's *érai*, who are usually understood to be his clansmen. This view is supported by the facts that *érai* are distinguished from cousins (*áveiol*) in *Il.* ix. 464, and that in Attic law the duty of prosecuting a

murderer passed in case of need to any member of the murdered man's phratry (Rohde, *Psyche*, p. 260-261 n.). When an act of homicide has been committed, under whatever circumstances,—for these do not seem to have affected the issue in the society which Homer depicts,—its author is sometimes represented as fleeing into a strange land, where he seeks the protection of a man of influence. So Patroclus finds refuge in the house of Peleus, and Lycophron in that of Ajax (*Il.* xxiii. 85, xv. 431). In other cases the feud is ended by means of a recompense, or *πρωή*, mutually agreed on by the two parties. That this often happened is shown by the passage (*Il.* ix. 632 ff.) where Ajax, after trying in vain to disarm the resentment of Achilles against Agamemnon, continues, 'Why, even from the murderer of a brother, or for his own dead son, a man accepts, it may be, a ransom, and so he (the murderer) stays in his own town, after paying a large fine' (Paley's tr.). Of what took place on such occasions we have a vivid picture in *Il.* xviii. 498 ff. There, in a scene upon Achilles' shield, the two parties to a blood-feud first engage in a wrangle as to whether the amount agreed on has actually been paid, and afterwards bring their quarrel before a council of elders, while in the midst are placed two golden talents, which, at least on one interpretation, represent the *πρωή*, or fine claimed.

Among all these references to the blood-feud in Homer, nothing, it will be seen, is said about the spirit of the slain man, while the settlement by means of a fine is obviously treated as a matter in which the living only are concerned. And this is in harmony with the general view, which the Homeric poems present to us, of the state of the dead. Where the blood-feud is animated by a desire to appease the dead man's spirit, the latter is conceived as a powerful being bent on revenge, able and also ready to wreak his vengeance on the kinsman who neglects his interests. But the faith described in Homer is of a different order. Its dead are strengthless beings, ineffectual shadows of the living. There is, however, good reason to believe that this was not the oldest Greek faith. Even in Homer we meet once and again with what seem to be outcrops from an earlier stratum of belief. Thus at the funeral of Patroclus (*Il.* xxiii. 138 ff.), the hair which Achilles lays in his dead friend's hand, the jars of honey and oil, the slaughter of beasts and captives, and the burning of these together with the corpse, the night-long pouring of wine upon the earth, and the oft-repeated call to Patroclus, together with many other features of the story, all point to a vivid belief in the reality and nearness of the departed spirit which contrasts sharply with the usual Homeric representation; while, as Rohde observes (*Psyche*, p. 17), the whole series of offerings belongs entirely to the class which we may regard as oldest, and which meets us later in numerous instances of Greek ritual observed in the worship of under-world powers. The offerings which, in *Od.* xi. 49 ff. (the 'Nekuia'), Odysseus promises to the departed spirits point in the same direction. But, if such was the earliest Greek conception, the deepest motive of the blood-feud, in the Homeric age weakened or lost sight of, may well have been the slain man's demand for vengeance. And that this was actually the case is indirectly proved by the fact that in Homer the consequences seem to be the same for unintentional as for intentional homicide. The equalization of these two, says J. H. Lipsius (*Das attische Recht und Rechtsverfahren*, Introduction, p. 7), affords clear proof that the fundamental aim of the blood-feud was not punitive justice, but satisfaction to the slain.

2. Classic age.—When now we turn to the

classic age, this aspect of the blood-feud occupies the forefront of the picture. Vengeance on the homicide is primarily reparation offered to the dead, and as such it is a religious act.

(1) *Poetry*.—In Æschylus' *Eumenides*, Orestes is pursued by no earthly avenger of blood, but by the Erinyes, who are representatives at once of the dead and of the old religious order. At first, in all probability, they were nothing but offended ghosts, the angry spirits of the slain, and hints of this original character are to be found in Æschylus (cf. e.g. J. E. Harrison, *Prolegomena to the Study of Greek Religion*, p. 223 ff.). In the main, however, as seen in his pages, they are rather the personified curses that attend the shedding of kindred blood. The personality of the slain is merged in that of the malignant demons who act as the ministers of his revenge. The same natural shifting of ideas, and the same fundamental conception of the slain man's enmity, are seen in the use of the word *προσπρόπαιος*, which in the sense of an avenging power is applied by the orator Antiphon at one time to the dead man's spirit, at another to his ghostly champion, as in the phrase *ὁ προσπρόπαιος τοῦ ἀποθανόντος* (*Tetr.* 3, 8). Sometimes, as in Sophocles (*Trach.* 1202) or Euripides (*Iphig. in T.* 778), the outraged spirit is described by the epithet *ἀπαίος*, a dealer of curses.

(2) *History*.—So far we have been dealing chiefly with the fancies of poets. But the same view of a slain man's enmity, and of his satisfaction as a religious act, is met with when we turn to the practice of the law courts and examine the developments of the blood-feud in historic times. When the clan develops into the State, the blood-feud inevitably passes under its control and is regulated in accordance with its interests. Greece was no exception to this rule, and we have evidence of laws relating to homicide in various Greek States. But while in the case of other States our information is only fragmentary, the procedure at Athens, though obscure in some points, is illustrated by copious references, especially in Plato, Aristotle, and the Attic orators. To enter at all fully into the Attic process would carry us beyond the limits of this article. But it will be sufficient to note its salient points. In the first place, the legal process meant a mitigation of the unreasoning vengeance of the primitive blood-feud. We have seen that originally the circumstances which led to homicide were immaterial. Its law is sufficiently expressed in what the chorus in Æschylus (*Choeph.* 310 ff.) characterize as 'a thrice hoary saying': 'Blood-stroke for blood-stroke must be paid. Doer of wrong must suffer.' But from time immemorial Athens had separate courts for the trial of wilful murder, of accidental, and of justifiable homicide. The tribunal for the trial of murder in the strict sense was the Council of the Areopagus, which exercised that function right onwards from the time of Solon, or, according to others (e.g. C. W. C. Oman, *Hist. of Greece*, p. 111), from the dawn of the Athenian constitution. Furthermore, a law of Draco (c. 620 B.C.) enacted that vengeance in certain cases, including adultery, should not be followed by a legal penalty (Pausan. ix. xxxvi. 8). But if from one point of view the law mitigated, from another it restored, the rigour of the ancient blood-feud. It did so by forbidding the *πρωή*, or money settlement, of which we have seen examples in the laxer practice of the Homeric age (cf. e.g. Demosth. *Aristocrat.* 28). This is by no means always the case when blood-revenge passes out of the hands of private persons (cf. e.g. Grote, *Hist. of Greece*, i. 484). It might, indeed, be thought that this strictness in the Attic law was due to the supposed interest of the State, but the true explanation is doubtless to be found in the view

advanced by Rohde, among others, that the State regulated the murder suits on the basis of the old family blood-feud, and that its chief object was the satisfaction, not of the State, but of the invisible powers. These positions we shall now proceed to illustrate.

That the State process grew out of the blood-feud is first of all indicated by the fact that it was the nearest relatives of the murdered man, and only in special cases more distant kinsmen, on whom devolved both the right and the obligation to prosecute. It was a duty for whose neglect in the case of wilful murder a man might be himself arraigned by a fellow-citizen (G. F. Schömann, *Antiq. of Greece*, p. 471, Eng. tr.). And this naturally arose from the fact that the duty to prosecute was regarded as also a duty to the dead, and thus as a religious duty, the neglect of which brought pollution upon the State and involved the risk of dearths and other calamities. For we have in the next place to note that the thought of the murdered man's vengeful spirit, and of other ghostly powers who jealously watched over his interest, was a living force in Athens even in historical times, shaping the course of justice, and moving the ordinary man to superstitious fear. To take the latter point first, the thought of the dead spirit's claim was a force to which the orator knew how to appeal in capital trials. So the relatives are said by Antiphon *βοηθεῖν τῷ τεθνεῶτι*, 'to succour the dead' (*Or.* i. 31; *Tetr.* 1, β, 13), and sentence on the murderer is described by him as *τιμωρία τῷ ἀδικηθέντι*, 'vengeance to the wronged' (*Or.* v. 58, vi. 6). In one of his speeches, composed for a fictitious case, he makes his clients address the jury: *ἀντὶ τοῦ παθόντος ἐπισκήπτουμεν ὑμῖν*, 'we implore you on behalf of the dead' (*Tetr.* 3, γ, 7). In the next place the sense of a religious duty to the dead is apparent in the several steps of the judicial procedure. It is the archon-basileus who presides at the trial for homicide, the magistrate who inherited the peculiarly religious duties of the kingship; again, at the outset of the process, both parties have to swear by the Erinyes and other under-world powers to the justice of their cause. And lastly, we may note the procedure enjoined by law in the case of one condemned to temporary exile for an act of unpremeditated homicide. When the period of his exile had elapsed, and when he had been formally reconciled to the relatives of the slain, he had still to undergo a ritual purification from the stain of bloodshed ere he could share in the worship either of the State or of the family, and he had to make expiatory offerings to the spirit of the dead.

It will be seen that the conceptions here regarded as underlying the blood-feud, which have been attributed to the earliest Greek age and which are clearly reflected in classic times, contrast sharply with the picture of the Homeric age which lies between. The problem presented by this contrast can scarcely be ignored in dealing with the blood-feud, but it is one on which we can here only touch. It can probably be best explained by the composite racial elements that went to the making of the Greek nation. It is, of course, to be supposed that the feebler conception of the spirit-world reflected in Homer's pages, and the more untroubled gladness in life, were an actual feature of the age in which he lived. But they were the characteristics of a conquering Achaean stock, and not of the earlier population. The latter, who had no great poets to express the spirit of their religion, still clung to their local cults, and thought of the dead as mysterious powers, able to bless or curse the living. Even Homer, as already seen, is not without trace of

this earlier belief. A similar hint may be found in Hesiod, whose 'daemons' are the souls of the men who lived in the earliest or golden age (*Works and Days*, 121). And Porphyry (*de Abstin.* 4. 22) records how Draco enjoined the Athenians to honour the dead heroes of their country *according to the custom of their fathers*. The old faith never died, and at last, owing especially to the teaching of the Delphic oracle, its gloomier views about the under world became, as we have seen, a dominant force in religion, and helped to shape judicial procedure.

There was, indeed, in Greek religion another and very different world from this, a realm of serene piety, radiant with images of the Olympian gods. But beneath it, in an opposition which paganism could not fully overcome, was a world of gloom and misgiving, haunted by the thought of evil, and of powers whose law was justice untempered with mercy. Of that world the study of the blood-feud, and of its reflexion in the thought and practice of the classic age, affords us impressive examples.

LITERATURE.—W. Robertson Smith, *Kinship and Marriage in early Arabia*², 1903, pp. 25 ff., 55 f.; art. 'Goel' in *HDB* and *EB*; A. H. Post, *Familienrecht*, 1890, pp. 113-136; K. F. Hermann, *Lehrbuch d. griech. Antiquitäten*⁶, 1889, vol. i. §§ 64, 65; G. F. Schömann, *Griech. Alterthümer*⁴ (by J. H. Lipsius, 1897, p. 508 ff.); Grote, *Hist. of Greece*, cf. vols. i. il. iv.; Meier-Schömann-Lipsius, *Der attische Process*, 1887, p. 376 ff.; J. H. Lipsius, *Das attische Recht u. Rechtsverfahren*, 1905, Introduction; G. Glotz, *La Solidarité de la famille dans le droit criminel en Grèce*, 1904; P. Wilutzky, *Vorgesch. d. Rechts. Prähist. Recht*, 1903, pt. iii. ch. vi. 'Blutrache, Anfänge des Strafrechts u. des Prozesses'; J. Kohler, *Zur Lehre von d. Blutrache*, 1885; S. Herrlich, *Die Verbrechen gegen d. Leben nach attisch. Rechte*, 1883; Thonissen, *Le Droit pénal de la république athénienne*, 1876; E. Rohde, *Psyche*², 1898; Eichhoff, *Über die Blutrache bei d. Griechen*, 1873; K. O. Müller, *Aesch. Eum.* pp. 64 ff., 139 ff.; Jane E. Harrison, *Proleg. to the Study of Greek Religion*², 1908; Greek literature, esp. Homer, the Tragedians, Plato (*Laws*), Aristotle (*Politics*), and the Attic orators.

I. F. BURNS.

BLOOD-FEUD (Hindu).—Indian legislation had early reached the stage in which the right of private war, and the obligations arising from the blood tie everywhere recognized among the Teutonic tribes, had been superseded by the view that repression of murder and violence was a function of the State. The peace-preserving power of the king had become predominant, and we have to go back to Vedic literature if we would meet with some slight traces of the *wergeld*, or composition, once paid as a compensation for manslaughter to the relatives of the victim. It appears that a hundred cows were considered in Vedic times the ordinary amount of the *wergeld* to be paid for killing a man. The somewhat obscure hints in the Vedic *Samhitās* may be supplemented by the more explicit statements contained in the *Dharma-sūtras* of Bandhāyana and Āpastamba, where the fines to be paid for manslaughter are declared to have the removal of hostility for their object. Cows and other cattle were, no doubt, the earliest kind of money in India, and the payment of a hundred cows for manslaughter corresponds to the bride-price, which likewise consists of a hundred cows. Gradually, as the priestly influence made itself more felt, the compensation to be paid to the family came to be converted into a money present to the Brāhmins. This is the standpoint of the more recent lawbooks of Manu, Yājñavalkya, and others. At the same time, the kings took cognizance of all crimes committed in their kingdoms. Punishment was personified as the protector of all creatures, formed of Brahman's glory (Manu, vii. 14), and that king only was said to attain to paradise in whose dominion there existed neither murderer nor thief nor other offender (*Viṣṇu*, v. 196). Nevertheless, the ancient custom of blood-revenge did not become entirely extinct, and various instances of it are recorded down to comparatively

recent times. Thus in Kolhapur, before it came under British superintendence, murderers were sometimes compelled to make compensation to the family of the victim. Land thus given in compensation was called *khunkat*. In Kāthiāwār, various forms of blood-revenge were known to occur even in the 19th cent.; e.g. the avenger abandoned the village and acted in a hostile manner against the whole community (*baharvatia*). In Rājputāna, Prince Jait Sing received 26 *bighās* of land as a compensation, called *moond-kati* (blood-money), for the murder of some of his Rājputs. A landed proprietor in Mewār, whose father had been murdered, was given five villages belonging to the murderer. The inhabitants of certain border Districts in Gujarāt, between whom and their neighbours in Rājputāna an unceasing feud raged, used to have from time to time peaceable meetings with the latter, when the number of persons killed, women kidnapped, and cattle lifted on both sides, was ascertained, and a compensation in money paid for the surplus by the other party.

LITERATURE.—Roth, 'Wergeld im Veda,' in *ZDMG* xli. 672-679; Bühler, 'Das Wergeld in Indien,' in *Festgruss an R. v. Roth*, Stuttgart, 1893; *Bombay Gazetteer*, viii. 325, 329, xxiv. 287; Jolly, *Recht und Sitte*, Strassburg, 1896, § 44; Sir R. West, 'The Criminal Law and Procedure of the Ancient Hindus,' in *Ind. Magazine*, Westminster, 1893. J. JOLLY.

BLOOD-FEUD (Muslim).—Among the Arabs, as among the other Semitic races, the blood-feud (*qawad*), retaliation (*qisās*), vengeance (*thār*), is a general institution. Attested by pre-Islāmic documents, confirmed by the Qur'an (ii. 173 and iv. 94), and codified by the jurists, it is a living custom among the Bedawin, and is practised in its primitive form. We get this information from the observations collected in Syria by several authors, especially Burckhardt and Jaussen; and it is to them that we must go to study our subject. In the written Muslim law the blood-feud is only a chapter of criminal law.

A man is killed; he must be avenged. At first, it seems to be for religious reasons: a human being who has died without having accomplished, in peace or war, certain rites of passage, could never find peace in the grave; the dead man's blood 'cries,' in the form of an owl which disturbs the repose of his family, and which cannot be appeased except by another's blood. Then it seems also for economic reasons: the family and tribe of the dead man are weakened in comparison with the family and tribe of the murderer; the injured social group demands compensation.

Sometimes vengeance is immediate: a murder is committed in an encampment; it is known who the murderer is; the men rush on his tents, kill everybody they meet, slaughter the animals, and burn or break everything belonging to the murderer. But these immediate reprisals are often impossible, and then, it appears, some rites which are not very definitely stated take place. The nearest relative of the victim dips his shirt-sleeve (*reden*) in the spilt blood and hoists it up at the top of a lance. During a space of three days the avenger has no communication with anybody. The pre-Islāmic heroes used to subject themselves to various tabus at this time: Imru' Qais took an oath to drink no wine, to eat no food, neither to wash nor to anoint his head, and to have nothing to do with women, until the day when his vengeance would be complete. It seems very probable that this was not altogether a voluntary tabu, because Duraid ibn as-Sama acted in the very same way.

Vengeance is taken, as a rule, by the nearest relative of the victim; but all the male members of his family to the fifth generation have the right of vengeance on the murderer and his relatives to the fifth generation.

The murderer, however, obtains the protection of his tribe or of an influential *shaikh*; and if the family of the victim, supported by their tribe, follow up their vengeance, they become involved in an everlasting war, made up of isolated murders and renewed vengeance. It is not often that a murderer is left alone at the mercy of his enemies. Sometimes, however, a *shaikh* will refuse to protect a man whose repeated assassinations are an annoyance to the tribe, or who has committed a murder in dishonourable circumstances. In such cases, the *shaikh* makes proclamation through the whole tribe that he 'shakes his mantle' (*infiras 'abatih*) against him. The outlaw may then be slain with impunity by any one, even by a member of his own tribe. Sometimes a Bedawi proclaims the *infiras 'abatih* on himself. He makes a tour through the whole tribe with a stick in his hand and a white flag flying from the top of it. Determined to avenge himself for a personal injury by a murder, he is trying in this way to take measures beforehand to restrict the consequences of his action to his own head.

As a rule, the murderer, being protected by his tribe, escapes the immediate vengeance of the family of his victim; but he remains none the less under a constant dread of it, which disturbs the life of his tribe as well as his own. After a few weeks, he sends a representative to the victim's family to make proposals. These are rejected, because the family are in honour bound to get the blood that is to satisfy the dead. Some months pass. The two tribes are tired of a situation that trammels all their social relations. An interview is arranged in the *shaikh's* tent, at which the representative (*wakil*) of the murderer appears in supplication before the principal family-chiefs. On his knees, he avows three times that he has the victim 'at his house.' Then the victim's nearest relative declares himself ready to make peace, but only on condition of receiving an enormous ransom (*diya*) of young girls, camels, mares, sheep, money, arms, etc. The *wakil* consents to everything, no matter how exaggerated and impossible of fulfilment the conditions enumerated by the avenger may be. Then the *shaikh* intervenes, and, calling on the names of various intercessors, asks for the reduction of the different elements of the *diya* in succession; the avenger consents to this more or less generously, and peace is concluded. Pardon (*'afu*) is, so to speak, exchanged for the *diya*. In certain tribes the *diya* always includes two young girls of the murderer's family or tribe; the avenger keeps them to himself, or gets them married at will. Lastly, peace is guaranteed by the nomination of two hostages (*kafil*) for each side, and a white flag is hoisted on a stick. Sometimes they proceed to a final ceremony of burying the blood. When the family of the murderer are unable to pay the *diya*, they go into voluntary exile.

The amount of the *diya* is not usually the object of discussion except between tribes who live in close relations of kinship, or, at least, neighbourhood; for others there is a fixed amount (*mudda*). In ancient Arabia, the *diya* of a free man was a hundred camels, and that is the figure adopted by the *sunna*; the legal writings determine the lists of beasts to be chosen, in accordance with the ancient customs. For this *mudda*, which, in practice, can be applied only among nomads, has been substituted a sum of 1000 *dinār* or 12,000 *dirhams*, according to the country. Some people have preserved customary *muddas* which do not agree with the price fixed by the *sunna*: one allows fifty sheep and fifty *mejidi*; others, a thousand piastres along with the murderer's weapon and some sheep, two or three hundred *mejidi*, forty camels, etc.

The prescriptions of the Qur'an (ii. 173), the

meaning of which, however, is difficult to settle, sanctioned a scale of values in accordance with the social importance of the victims—freemen, slaves, or infidels. Is it possible that Imru' al Qais, when claiming a hundred human lives for his father's blood, was conforming to an old *mudda* binding on chiefs? The *mudda* for a woman was fixed by the *sunna* at half of what was due for a man of the same social status. The Bedawi tribes of Syria, on the contrary, fix the *mudda* for a woman at four times that for a man: eight girls or their dowry, or sixty camels. For a pregnant woman, they add to her own *diyya* the *diyya* of the child.

The governments and jurists have set themselves to give a character of public right to private vengeance. The penalties are pronounced by a magistrate, according to written rules, in solemn forms of procedure in which the witnessing plays a preponderating part. Sentences are executed by public authority.

The modes of action are the same in the retaliation for wounds. This consists in inflicting a wound on the criminal identical with the wound he gave his victim. But here again the *diyya* comes in; and the application by competent authority of the physical penalty or the money-fine is one of the most important matters of Arab criminal law.

LITERATURE.—Jausen, *Coutumes des Arabes au pays de Moab*, Paris, 1908, pp. 220-232; G. Jacob, *Altarabisches Beduinenleben*², Berlin, 1897; J. L. Burckhardt, *Notes on Bedouins and Wahabys*, London, 1830, ii. 148-157.

GAUDEFROY-DEMOBYNES.

BLOOD-FEUD (Roman).—That blood-feud existed in primitive times in Italy as elsewhere is certain both from analogy and from actual traces, but the latter are scanty compared with those found amongst the Greeks. The reason lies in the comparatively modern character of Roman civilization when it emerges into the light of history. Roman history is illustrated by no such authentic picture of a primitive age as is contained in Homer. And when we turn to the arrangements of Roman law, we find little or no such reflexion of primitive ideas relating to the blood-feud as in the law-courts of Athens. But both in law and tradition the traces, if not very abundant, are clear.

The legend recorded by Plutarch (*Rom.* 23, 24) about Titus Tatius and the envoys from Laurentum points unmistakably to the usage in question. Friends and kinsmen of Tatius slew the envoys when on their way to the king; and, on his refusing to deliver up the culprits, he was himself killed by the relatives of the murdered men. Soon afterwards the gods punished both Rome and Laurentum with a plague, which was stayed only when the murderers on both sides were surrendered and punished. The last statement suggests a public, indeed a legal execution, so that we may agree with the verdict of Mommsen (*Rom. Hist.* i. 158): 'This story looks very like a historical version of the abolition of blood-revenge.'

Another echo of the blood-feud comes to us in the tradition that Numa enjoined the offering of a ram (doubtless through the kinsmen to the *manes* of the slain) in cases of involuntary homicide. What Prof. Muirhead (*EBr*³ xx. 680b) calls 'a re-enactment in illustrative language' of the same law appears in the words which, according to Cicero, occurred in the XII. Tables, 'ei telum manu fugit magis quam jecit, arietem subicito.' In this case the object clearly is to stay a legal prosecution; but the original object of such a law, and that as late perhaps as the time of Numa, must have been to impose a limit on the blood-feud in the case of accidental homicide, while still in the case of wilful murder suffering it to proceed unchecked (*EBr*³, *loc. cit.*). But a more direct reminiscence of the blood-feud is to be found in the

part which the kinsman of a slain man was expected to take in the prosecution of the murderer. So stringent was the obligation to institute the trial, that failure to do so disqualified a man from inheriting any of the property of the deceased. Thus in Rome as in Athens, the judicial procedure reflects the family aspect of the original blood-feud. On the other hand, the legal treatment of homicide showed how completely among the Romans the claim of the State superseded that of the family to execute justice on the criminal. For homicide was dealt with, and that even earlier than the XII. Tables, as a breach of what the jurists called the public law, which dealt with offences against the State, while the private law dealt with matters directly affecting the interest of individuals.

A word may be added as to the earliest meaning of the word *poena*. It corresponds to the Greek *ποινή*, and occurs in a similar sense in the XII. Tables in the sentence 'si iniuriam faxit alteri, viginti quinque aeris poenae sunt.' *Poena* is here the equivalent in money of the revenge sought for, and it might be supposed to indicate the existence in earlier times of a manner of settling the blood-feud such as was customary in the Homeric age. That such a custom was also familiar to the Italians is from the nature of the case probable, but is not supported by the use of the word *poena*, which is simply borrowed from the Greek in the general sense of compensation. Moreover, the passage in the XII. Tables refers to compensation for personal injury, and has therefore no connexion with the blood-feud (for an interesting account of the relation between *poena* and *ποινή* see Karlowa, *Röm. Rechtsgeschichte*, ii. 790).

LITERATURE.—J. Muirhead, art. 'Roman Law,' in *EBr*³ xx. 689; Th. Mommsen, *Hist. of Rome*, 1868-75, esp. vol. i., *Röm. Strafrecht*, 1899, and *Zum ältesten Strafrecht der Kulturvölker*, 1905; Clark, *Early Roman Law; Regal Period*, 1872; O. Karlowa, *Röm. Rechtsgesch.* 1901, ii. 790.

I. F. BURNS.

BLOOD-FEUD (Semitic).—The feeling of kinship is the basis of the tribal system of primitive Semitic societies; kinsmen are really 'brothers' through their participation in a common blood, and this social bond is enforced by the law of blood-revenge. Tribal blood has fallen to the earth with the killing of a member of the group. The necessity for revenge arises when any member has perished at the hand of one of another group; the sanctity of its blood has been invaded thereby. On the other hand, if one kinsman has slain another, it is not cause for blood-revenge; either he is outlawed, as Cain (Gn 4^{10ff.}) from his kin (though here by Jahweh), or is put to death, originally without shedding of blood, by the whole kin, that it may rid itself of an impious member.

The custom was doubtless of a religious character. Its persistence may be taken to support this. The members are one kin with their god; they are of his blood. His rights are violated therefore by the murder of one of their number, and he requires of them that they seek vengeance, on pain of his displeasure and consequent withdrawal from communion with them, as signs of which they would interpret any physical calamities that might befall them. It is a sacred duty a man may not renounce. The voice of blood, too, cries out from the ground for vengeance. There is a familiar idea in Arab poetry that his spirit in the shape of a bird rises from the head of the un-avenged and cries, 'Give me to drink' (viz. blood).

Only tribal life offers the necessary conditions for blood-revenge: (1) the solidarity of the tribe or family (a larger group than with us, which is explained later), in which each individual is answerable for the other; and (2) the autonomy of the tribe.

The religious motive is not always present, but

esprit de corps is so real that tribal honour is always alert in pursuit of vengeance. In many instances the slain man's kin retaliated till a manifold vengeance was obtained. The Song of Lamech (Gn 4^{23f.}), that if Cain be avenged seven times Lamech shall be avenged seventy-seven times, may be taken as showing that the vendetta did not always stop at the person of the murderer. But the principle of blood-feud is 'a life for a life.'

A person who has shed other than kin-blood is not at all regarded as impious, for only the blood of kin is sacred. He has involved all his kinsmen in the consequences; but they, if possessed of true tribal instinct, will not yield him up to the avenger. Any member of the aggrieved group may retaliate upon any member of the other, and satisfaction be obtained. But such summary justice does not always conclude the matter, and retaliation may follow retaliation indefinitely.

1. Responsibility within a narrower circle.—The family, not in the minor dimensions that obtain with us, but embracing all the descendants of a great-great-grandfather, early began to enter as a unit into the reckoning, and family feeling, which eventually affected the structure of Semitic society, and gave it a set towards disintegration, assumed a first importance. Blood-revenge now becomes primarily the concern of the family, so that the nearest relative is he who should undertake it: the *gō'el*, therefore, in Israel. Among the Arabs the brother and the son in almost equal measure were obliged to avenge. The tribe (*hayy*) usually, however, in its narrower sense of an aggregate of families that move *en bloc* from place to place and bear the same name, assumes the duty only when the family cannot from its weakness obtain vengeance. This intention of asserting the honour of the tribe may draw into the field of battle the manslayer's tribe, and war may demand a heavy toll of lives. The passive solidarity of the tribe also weakened before this narrower principle of relationship; the avenger preferred to retaliate upon some person within the fifth degree of consanguinity—a usage still in force among the Bedawin. Another consequence of this growth of the family-idea may be noted. Certain of these smaller social units, by reason of bravery or for other such cause, became a kind of aristocracy, and from this was chosen the chief of the tribe. Not every life was held to be compensation for one of this class; in early Arabia 'a nobleman for a nobleman' was the rule.

2. Modifications. —(1) *Protection*. —A man in fear of an avenger might flee for protection to a member or the chief of another tribe. Moses, *e.g.*, found refuge with Jethro (Ex 2^{16f.}). In Arabia, by taking food or drink with a tribesman, or even by pitching his tent so that 'tent-rope touches tent-rope,' the fugitive secures for himself his protection, and, especially in earlier times, that of the whole tribe. In pre-Islamic times this relationship between protector and protected varied: it might be temporary or permanent and hereditary, or promise might be made to protect against a definite enemy, or all his enemies, or against death itself, *i.e.*, if the stranger were slain while under his protection, the host would undertake to pay blood-money to the next-of-kin. The *jār*, or protégé, ceases to be under any obligation to his own tribe, and enjoys the same rights as any member of that to which he is now attached. It is the proud boast of a tribe that it is always able to defend its refugees; a weaker, however, under fear of attack from a stronger, may refuse to admit one to protection, or may refer him elsewhere. Sometimes the protector claimed the right to dismiss a *jār* at will.

(2) *Asylum*. —In Arabia a manslayer was unmolested by his pursuer within certain sacred areas, pre-eminently the *haram* of Mecca, within the tent, or if he pitched his tent over the grave of an ancestor. In ancient Israel the altar afforded shelter to any one who had shed blood, but by the later time of the Book of the Covenant it availed only the unintentional homicide. Certain cities of refuge were provided for in the later law-codes, and these also are further distinguished from the asylums of the Arabs in that they secured from violence only, and not from justice. See ASYLUM.

(3) *Holy Seasons*. —During the four holy months blood-revenge and war were prohibited by the Arabs.

(4) *Oracle*. —The authority of the oracle, communicated through the lot, may originally have had considerable influence. That of Hubal in Mecca was famous; questions requiring 'yes' or 'no' might be settled, and it might also decide who was to undertake vengeance.

(5) *Oath*. —Through the *qasāma*, or 'oath of purgation,' among the Arabs proof was supplied where otherwise none could be offered. Helpers, usually fifty in number, in the oath must swear to the innocence of one accused of murder, or to his blood-guiltiness. The helpers need not have been eye-witnesses. The proper application of the *qasāma*, however, was when a man was found slain. The nearest community had to swear they were not the murderers. In Israel the nearest community professed its innocence through its elders, and made atonement for the blood which had been shed by laying the guilt upon an animal (Dt 21¹⁻⁹), for it was a fearful thought to the Hebrew that blood should go unavenged (Job 16¹⁸).

(6) *Blood-wit*. —The principle of commuting the right of blood-revenge by a fine, which has been recognized by many peoples (Greek *ποινή*, Saxon *wergeld*), has not been universal among the Semites. The acceptance of a surrogate was forbidden to the Hebrews (Nu 35³¹)—a fact which is evidence of the increasing sense of personal worth under the growing social order. Arabs, with a fine instinct of tribal honour, reckoned it dishonourable to compromise in any degree the blood of a kinsman, but the consciousness of weakness might recommend such a course to a tribe. The material advantages to be gained by its acceptance also exercised some influence. Many tribes required, as a condition of such compromise, that the offender or a near relative should enter the tent of the avenger and place his life at his disposal, thus acknowledging the latter's ability to avenge if he wished. A person of repute, either an outsider or a member of one of the two tribes seeking a settlement, may be called in to arbitrate, but his authority is only moral. Certain tribes had a fixed tariff: that of a hundred female camels was common, is still in force among some Bedawin, and was renewed by the Wahhābis. But haggling is frequent. The *wergeld* may be paid by the manslayer; but often it exceeds his resources, and his near relatives or his friends may contribute, or an assessment may be levied on the whole tribe, or the chief may be called on; for, whereas in early time the booty was divided equally, a fourth came to be set aside later into a kind of State-treasury under him for the entertainment of guests, the support of widows and orphans, and the payment of blood-money. The recipients were the nearest relatives of the murdered man—the brother and the son, therefore, whose duty it had been to avenge him. If a *jār* were killed, his relatives, and not his protector, received the *wergeld*.

With the passage from nomadic to agricultural, settled life, local connexion begins to oust genea-

logical, the regional grouping gradually weakens the feeling of blood-community, and revenge for the slaying of kin, which is opposed to nomad custom, becomes possible (Gn 27³², 2 S 14⁷). Laws of social justice arise, and impartial tribunals of State-life are instituted which remove the infliction of penalties out of the individual's hands, and distinguish between murder and homicide. In Babylonia, courts for the punishment of offences were early set up; the *ius talionis*, but not blood-revenge, was admitted. The code of Hammurabi makes exception in favour of unintentional homicide (§ 207 f.). In course of time, after their settlement in Canaan, the Israelites lost their tribal organization, and during their subsequent history the laws of vengeance passed beyond the primitive state of blood-feud and acquired an ethical character. Their law-codes represent an intermediate stage between the nomadic custom of direct vengeance and the criminal proceedings of developed State-life. All three make the distinction (not found in Homer, though made later when the community took into its hands the right of the avenger), between murder and homicide, and provide for the unintentional homicide lest he should fall a victim to the avenger's hasty passion; he is secure from the *gō'el* at any altar of Jahweh (Ex 21^{18a}), or at the Cities of Refuge (Dt 19²⁸, Nu 35^{14a}). Ancient custom is preserved in this, that the avenger, and not the State, must take the initiative in protecting the interests of the aggrieved by bringing the case before the elders (Deut.), or the congregation (P), and must carry out the death penalty. The Deuteronomic code indicates the growth of individual responsibility in stating that the criminal alone is responsible for his misdeeds (Dt 24¹⁶). The *gō'el* was known in Israel certainly down to the time of David (2 S 14¹¹). To Jahwism is due much of the credit for modifying this custom, though it did not abolish it. Jahweh came to be regarded as the *gō'el* who had redeemed Israel from bondage, to whom blood cried out, and who avenged it through His representatives with the people, viz. elders, kings, and priests.

In Syria the Syro-Roman law-book of the 5th cent. A.D. (§ 74, Paris Manuscript) forbids the avenger to kill the manslayer, and requires that the accuser hand over the guilty person to the authorities.

Muhammad found the principles of blood-revenge too deeply rooted to be overthrown, and it gained recognition under his theocratic régime (*Qur.* xvii. 35). The religious community had both active and passive solidarity, being obliged to avenge one of its members slain and to protect a Muslim manslayer against the unbeliever. Further, he made the manslayer alone responsible for his deed, and distinguished between murder, fatal assault, and unintentional homicide. In the case of the first the *talió* was allowed, but blood-money could be accepted; in the others it must be accepted (Ibn Hišām, pp. 341-343, 821, ed. Wüstenfeld; al-Wāqidi, 338, ed. Wellhausen). But the modern Bedawi has preserved the nomadic institutions of the tribal system and the blood-feud from the transforming influence Islām would otherwise have exercised. With him the laws of vengeance for murder and homicide are the same. There is no need to regard the blood-feud as an altogether barbarous practice with nothing beneficent. Travellers in the peninsula claim that it is a salutary institution which has prevented tribes from exterminating each other, that it stays the plunderer's hand from shedding blood, and permits the traveller to risk himself in the desert. It is likely to remain as long as nomad life is regulated by custom.

LITERATURE.—Köhler, *Zur Lehre von der Blutrache*, 1885; artt. 'Goel' in *HDB*, *EBi*, and *JE*, and 'Gericht' in *PRE3*; A. P. Bissell, *The Law of Asylum in Israel*, 1886; A. H. Post,

Entwicklungsgesch. des Familienrechts, 1890, pp. 113-137; Robertson Smith, *Kinship and Marriage*², 1903, 22-24, cf. 36-39 [26-27, 41-56], *Rel. of the Semites*², 1894, *passim*; Procksch, *Über die Blutrache bei den vorislam. Arab.*, 1899; Patton, *AJTh.*, Oct. 1901; S. A. Cook, *The Laws of Moses and the Code of Hammurabi*, 1903; *PEFSt.*, 1897, p. 128 ff.; Burckhardt, *Notes on the Bedouins and Wahabys*, 1830; Jausen, *Coutumes des Arabes au pays de Moab*, 1903.

A. H. HARLEY.

BLOOD-FEUD (Slavonic).—Among Slavonic peoples the institution of the blood-feud may still be traced in good authorities, throughout all its history, alike when it was in full force and in the varying stages of its gradual decay.

1. Slavonic terminology.—The art. BLOOD-FEUD (Aryan) has already discussed the three expressions—Old Slav. *vražida*, not only 'enmity,' 'blood-revenge,' but also 'compensation,' 'fine'; Old Russ. *vira*, 'wergeld,' then 'State-compensation'; and *mirā*, 'peace.' Here should be added Old Slav. *glava*, properly 'head,' and *krŭvi*, properly 'blood'—words which are used in numerous Slavonic tongues to signify the manslaughter (deed of blood) which is to be avenged by the blood-feud. The Russian expression for 'revenge' is *misti*, *mestī*, *mistiti*, *mstiti*, which may be assigned to the same category as Latin *malto*, from **moito*, 'change' (cf. in Sicilian Gr. *μῆϊρος*, 'retaliation'), or perhaps also may be compared with Gr. *μῆϊρος*, 'hatred' (*μῆϊν*, 'hate,' **mits*-). An interesting designation of inter-tribal conflict is to be found in the Polish word *walka* (Czech *válka*, 'war,' White Russ. *valka*, 'struggle'). It is perhaps possible that the Lat. *ulciscor*, 'avenge,' hitherto unexplained, should be connected with it (cf. Walde, *Lat. Etymol. Wörterbuch*). Finally, mention should be made of the Servian *vjera* (Old Slav. *věra*, cf. Lat. *vērus*), 'truce,' properly the pledge given to the hostile clan to undertake no hostile action against them during a specified period (Mid. Lat. *treuga*).

2. Instances of the blood-feud among particular Slavonic peoples (principally based on Miklosich, *loc. cit. infra*).—The latest survival of the blood-feud in full vigour was among the *Southern Slavs*, where it persisted longest in *Dalmatia* and *Montenegro*. In the last named it was not till the year 1855 that it was rooted out by the stringent measures taken by Prince Danilo. Till that date the blood-feud was looked on as the sole means of preserving order and justice. Its characteristics may be described as follows: Blood-revenge is resorted to in cases of murder, wounding, and insult, and is considered a religious and sacred duty to the murdered man. It is especially the women who give the stimulus to vengeance. The mother lays the infant in the cradle to sleep upon the blood-stained shirt of the murdered father, and, as the boy grows up, she ever and anon presents this ghastly object to his view. Every male member of the clan is under the obligation to avenge (*bratstvo*, properly 'brotherhood,' cf. Gr. *φρόνη*, *φρατρία*, *φράτηρ*): first the eldest son; if there are no sons, the brother. If the man to be hunted down by the blood-feud dies, his liability is inherited by his nearest relative, so that sometimes it is the sons and grandsons who finally fight out the quarrels of their fathers and grandfathers. The chief object is to slay the murderer, or, if this is not possible, his next-of-kin—his brother, father, son, and so forth. Blood-feud also occurs inside the clan—a later and degenerate type of revenge. The woman, and, strangely enough, the man who has been taken under protection by a woman, are inviolable. In the earliest times the man flees after the murder to another district, or at least avoids meeting the hostile clan in the church or elsewhere. During the peril of war the clan-feud is allowed to rest; but, according to Rovinskij

* A star before a word signifies that the form does not occur but is inferred.

(*op. cit. infra*, 63), it may happen that a clan living in deadly enmity with another clan forms an alliance with a national foe (the Turks or Arnaut): 'pleme ("tribe") composed of several *bratstva* and *rod* ("relationship") in this instance are rated higher than nationality and religious faith.' It is only by an expiation which includes the payment of the price of blood and a humiliating ceremony on the part of the guilty man (see below) that the blood-feud comes to a bloodless end. The duty of revenge extends to the whole clan; it is only the clan and not individual members of it that can conclude peace. In the assemblies of the people (*sbor*, *skupština*) a question often discussed is that of the settlement of feuds of many years' standing which threaten the general peace. On the expiation of the offence hostility is forgotten, and a man's honour is not wounded by virtue of his act of expiation. On the other hand, the law of Prince Danilo, mentioned above, decrees that the murderer cannot buy his pardon by any blood-payment, but is to be shot; if he flees, his property is to be confiscated; he is banished from the country, and, if in spite of this he returns, he may be killed with impunity by any Montenegrin.

When we turn to the *West Slavs*, it is in Poland that we find the longest persistence of the institutions of the blood-feud in full vigour. Even in the 14th cent. the Polish nobility (*szlachta*) was divided into a vast number of family-societies and brotherhoods for war which made use of an escutcheon common to all, and had a common battle-cry (*proclama*). These societies were based on an actual or symbolical relationship. The cohesion between members with one and the same escutcheon was exemplified: (1) in the right of the relatives of a murdered man to enforce the blood-payment from the murderer; (2) in the right to redeem patrimonial estates belonging to the family if they had been sold to a stranger without the express consent of the relatives of the seller (cf. Rovinskiĭ, p. 141 note). But there is historical evidence of the existence of these family feuds (*walka*, see above) not only among the noble families, but also among the peasant classes subject to them.

Finally, in the case of the *East Slavs*, the Russians, we have at our disposal evidence very old and weighty, but, it must be admitted, very obscure in details.

The oldest and weightiest authorities are as follows: (1) *Chronica Nestoris*, ed. Fr. Miklosich, cap. xlv.: 'vivebat Vladimirus (980-1015) in timore dei. Et multiplicata sunt homicidia, et dixerunt episcopi Vladimiro: ecce, multiplicati sunt homicidae, cur non punis (*kaznit*, used of the State penalty) eos? Ille vero dixit eis: timeo peccatum (*grichiti*, "sin"): Vlad., like the people of Montenegro, holds the blood-feud to be a religious obligation). Illi vero dixerunt ei: tu constitutus es a deo ut punias malos et ut diligas bonos, oportet te punire homicidam, sed cum inquisitione (*sū ispytomū*, "by investigation"). Vladimirus vero sublati compositionibus (*otvergū viry*, "abolished the wergeld") coepit punire homicidas. Et dixerunt episcopi et seniores: bella multa, at si compositio (*vira*) permansura est, in armis et in equis fiat. Et dixit Vladimirus: ita fiat. Et vivebat Vladimirus secundum institutionem (*po ustrojenniu*, "according to the constitution") patris et avi.—(2) *Russkaja Pravda of Jaroslav Volodimirovitch* (1018-1054), cf. p. 724a, above. *Judicium Jaroslavi, filii Vladimiri*: 'Si interfecerit vir virum, ulciscatur (*mstiliti*) frater fratrem vel pater filium vel frater filium vel sororis filium. Si vero nemo est, qui eum ulciscatur, solvendae sunt pro capite octoginta grivnae, ei est principis vel tiunus principis ("official"): si vero est rusus vel satelles principis vel mercator vel *jabeshnikū* (also an official) vel *tiunus bojarī* (*boyar* official) vel *mednikū* ("sword-wearer") vel *izgoj* (a man attached to no class or rank) vel *slovennikū*, quadraginta grivnae solvendae sunt.—(3) *The Pravda of the 13th cent.* (*ap. Ewers, Das älteste Recht der Russen*, p. 314): 'After Jaroslav, his sons Isjaslav, Svjatoslav, Wsewold, and their men, namely, Kosnjatschko, Perenjeg, Nikifor, now came to an agreement and did away with the custom of head for head (*oshlōšisa ubijenje za golovu*; for the meaning of *golova* see above), replacing it by permission to buy off the penalty by martens (*kinami*, i.e. with marten-skins): but every other ordinance of Jaroslav was confirmed by his sons.' 'If any one kills a prince's man in an assault with violence, and the manslayer (*golovnikū*) is not discovered, then *v. wergeld* of 80 grivnae is to be paid by the district (*vervi*) in

which the head of the murdered man is lying: on the other hand, if the victim is one of the (common) people (*judinū*), then 40 grivnae.'

The development of the custom, apart from special points, is on the whole clear. Until Vladimir's time there undoubtedly reigned a system of unrestricted blood-revenge in Russia, just as there did in Montenegro down to the time of Prince Danilo. Under the pressure of the clergy, Vladimir attempted to proceed against the murderer by means of State penalties (*kazna*), but he soon returned to the customs of his ancestors. The later chronicler did not see clearly the almost unmistakable meaning of this. Jaroslav was the first to impose a restriction upon blood-revenge by limiting it to certain spheres of kinship; and, if these could not produce an avenger, a compensation (*vira*, the old term for the *wergeld*, though the expression does not actually occur in this passage) of 80 or 40 grivnae was exacted—no doubt to the advantage of the princely exchequer. The sons of Jaroslav completed their father's work by enacting that every deed of blood might be redeemed by the payment of marten-skins, though it is not clear who received the skins—the Prince, the injured man, or both. If the murderer was unknown, the district (*vervi*, see above) in which the head of the murdered man was found was responsible for the *virnoje* (formed from *vira*)—an arrangement which still clearly recalls the joint liability of the clan with regard to the *wergeld* (see above). From the various rates of penalty mentioned in the above and other passages of the *Russkaja Pravda*, the calculation has been held to be justified (cf. L. von Schröder, *Festgruss an Roth*, p. 50) that the *wergeld* for the murder of a free Russian (*ogniščaninū*, 'householder') would come to about the value of a hundred cows, and that in this respect, too, the customs of ancient India (see above, pp. 725, 729) and of ancient Russia coincided. But it must be admitted that the ground on which such a calculation is based is very insecure. (For the most ancient evidence for the existence of blood-revenge on Slavonic soil, see Mauricius, *Strateg.* xi. 5; cf. ARYAN RELIGION, above, p. 51a.)

3. Expiatory usages at the amicable settlement of a blood-feud.—When the hostility between two clans was to be terminated by payment of the *wergeld*, there was also a long series of solemn ceremonies of expiation, about which we have ample information for the Slavonic and especially the South Slavonic world (cf. Miklosich, *op. cit.* 176 f.). The *Archiv f. slav. Philologie*, xiv. 141 ff., contains a detailed account (not yet embodied in the work of Miklosich) of a ceremony of expiation among the South Dalmatian Slavs. Its characteristic features are as follows:

The two clans of the Bojkovići and Tujkovići in the extreme south of Dalmatia, where the blood-feud remains a living force down to the present day, have been on hostile terms for years, because in the year 1877 Ivo Bojković in a quarrel shot Stoj, a member of the Zeci family (of the clan of the Tujkovići). The murderer has long been dead, but there are two sons, Jovo Bojković and Jovo Zec, who now (in the year 1890) are sufficiently grown up to be able to fight out their fathers' quarrel. Matters, however, do not come to that pass. After long protracted negotiations the Bojkovići are induced to admit themselves to be in the wrong and to allow Jovo Zec the right of choosing twenty-four arbitrators (*Dobri ljudi*, 'good people'). These lay down the following conditions of peace: Jovo Bojković is to pay Jovo Zec and his brother Niko a little over a hundred sequins as the price of blood for the murdered man. Here we must add (according to Jovanović, 'Montenegrinische Rechtsgeschichte,' in *Ztschr. f. vergleich. Rechtswissenschaft*, xv. 134) that the price of the victim is decided by the number of 'bleedings,' and that twelve 'bleedings' (estimated, as a rule, at twelve sequins) constitute a deathblow. Further, the arbitrators stipulate that Jovo Bojković shall provide a meal for Jovo Zec and his party up to the number of three hundred and offer him twelve 'sponsorships,' i.e. send him twelve children, to whom Zec and his people are to stand as godfathers or sponsors. Moreover, twelve great and twelve small 'brotherhoods' (*pobratimstvo*, 'artificial relationship') are to be established

between the two parties; and, lastly, the instrument of death is to be surrendered to Jovo Zec according to the established customs. The twenty-seventh of August is the day appointed for the fulfilment of all these provisions. The ceremonies to be performed on this day take place partly in front of the house of Zec, but chiefly in the common place of assembly. Above all, it is before or in the house of Zec that the matter of the twelve sponsorships is concluded. The women of the Bojkovići, conducted by two of the arbitrators, appear with cradles on their heads containing the children, and now twelve men of the family of Zec take up the position of godfather to these. A secondary object of the presence of the women may have been (see Jovanović, *op. cit.*) to touch the heart of the chieftain of the hostile clan by their weeping and wailing. The programme of that part of the expiation which is carried out in the common place of assembly is far more extensive. First, both parties take their stand, like two hostile armies, at a distance of about a hundred metres from each other. 'After a short, silent pause, a small group appears on the side of the Bojkovići. The son of the murderer, dressed in a white shirt, barefooted and without a cap, creeps forward on all fours, carrying across his neck a long musket, the instrument of death, which two arbitrators, also without head-covering, hold by its two ends. Thereupon Zec runs quickly to meet them in order to cut the humiliating spectacle short. He approaches Bojkovići rapidly to raise him to his feet, while at the same time the latter kisses his feet, chest, and arms.'

The formation of the stipulated twenty-four brotherhoods is followed by the banquet, with the guests seated in a strictly regulated order; but Jovo Zec and the twelve men who have assumed the duties of sponsor touch neither food nor drink—to show that the reconciliation is not yet quite complete. It is not until the end of the meal that the payment of the debt is made in coins carefully wrapped in paper and laid on a dish. But still the arbitrators declare that the payment is not yet complete, and, amid the deep wails of the women, the Bojkovići must gradually place all their costly weapons on a large metal dish in front of Zec. At length Zec summons his new kinsman, and says: 'I give back to thee everything (in the first instance the weapons are meant): may the death of my father be pardoned to thee, and all that has happened be forgotten; in future may there be between us brotherhood, peace, and love! I will not retain thy blood-money, nor will I take from the table the white rags (the money wrapped in paper), I return to thee this also.' In this instance, then (though of course not in all), the whole material side of the blood-expiation evinces itself as only a symbolic action. Especially with regard to the weapons there was no doubt a certainty from the first that they would be given back. At the close of the proceedings one of the arbitrators mounts the table and reads the decision of the twenty-four judges aloud; he then hands it over to Zec, who in turn gives it to Bojkovići.

LITERATURE.—F. Miklosich, 'Die Blutrache bei den Slaven,' *Denkschriften der kais. Ak. der Wissensch. philos.-hist. Kl.* xxxvi. 1, Vienna, 1887 (with copious bibliography); cf. also Rovinskij (Rues.), 'Montenegro Past and Present,' li., *Sbornik of the St. Petersburg Acad. of Sciences*, 1897, vol. lxiii. (cf. esp. chs. 1 and 2, *passim*). Rovinskij is also our authority for the foregoing description of the South Dalmatian expiation, of which he was an eye-witness. See, further, S. Ciszewski (Polish), *Wródzda i Pojednianie* ('Blood-feud and Duel'), Warsaw, 1900 (also contains an extensive bibliography).

O. SCHRADER.

BLOOD-FEUD (Teutonic).—Early Teutonic law made no provision for punishment in the modern sense of the word. The function of avenging crime belonged to the kindred of the person wronged, or else the tribe expelled the criminal from their league of peace, and declared him an outlaw, thereby depriving him of the common right of protection in life and property. 'Feud' is the name given to the hostile relations between two individuals, families, or tribes. The special case of the blood-feud emerged when any member of the social group was culpably slain or robbed of his honour. Here the cult of the dead came into play. It was a common superstition among the Teutons that the murdered man would find no rest, and would appear as a *genganger*, 'one who walks again,'* so long as his death was not avenged. If the slayer was caught red-handed, he might be put to death forthwith; but if he escaped for the time, it was frequently required that the sentence of outlawry should be pronounced in name of the tribe before the aggrieved family set forth to track the culprit. But, just as the kindred of the person killed held together for a common purpose, so did that of the criminal; and accordingly cases of individual blood-revenge often developed into family feuds, of which numerous

* 'The spirits of the dead may walk again' (Shakespeare, *Winter's Tale*, iii. iii. 161.).

instances are furnished by the Norwegian-Icelandic sources. Not infrequently these feuds ended in an act of combined incendiarism and massacre. The slayer was surprised in his own house by a night attack; his enemies surrounded the building with combustible materials, and set the whole on fire, so that he and his entire household perished in the flames. The extent to which the blood-feud might become a conflict between families is shown by the fact that sometimes one of the near relatives of the actual slayer was forced to fill the place of the latter as the object of retribution. As a rule, indeed, the policy of vengeance was not only carried out, but actually planned, by the tribe as a whole. The tribe also chose the leader or champion of the feud, and this step was at once followed by the public proclamation of the vendetta. The blood-feud was at length superseded by the imposition of a fine upon the guilty party, and in a case of killing this was known as the *wergeld*, or 'man-money,' by which the slayer redeemed himself from the sentence of outlawry. The completion of this expiatory compact was followed by the reconciliation of the warring groups, and the proclamation of the oath of peace which closed the feud. Many of the Teutonic peoples, however, and especially the Norse and North German tribes, maintained the practice of the blood-feud for certain crimes even after the principle of compensation had been introduced, and, indeed, till far on in the Middle Ages. This was particularly the case where the honour of a female of the tribe had been violated by adultery or rape. It was the introduction of the Roman penal code which in the end dislodged popular belief in the policy of the feud.

LITERATURE.—Wilda, *Strafrecht der Germanen* (Halle, 1842); Geib, *Lehrbuch des deutschen Strafrechts*, i. (Leipzig, 1861); Schröder, *Lehrbuch des deutschen Rechtsgesch.* 4 i. (Leipzig, 1903); Brunner, *Deutsche Rechtsgesch.* 2 i. (Leipzig, 1906) 221; v. Amira, in *Grundriss der germ. Phil.* 2. 191 ff.; v. Bar, *Gesch. der deutschen Strafrechts u. der Strafrechtstheorien* (Berlin, 1882); F. Dahn, *Bausteine*, 2nd ser., 'Fehdegang u. Rechtsgang d. Germanen' (Berlin, 1880), 76 ff.; Frauenstädt, *Blutrache u. Totschlagsühne im deutschen Mittelalter* (Leipzig, 1881); Teltng, *Über die Spuren von outgermaansch Strafrecht in der 'Germania' von Tacitus* (The Hague, 1887); Cannaert, *Bijdragen tot de kennis van het oude Strafrecht in Vlaenderen* (1835); His, *Das Strafrecht der Friesen im Mittelalter* (Leipzig, 1901); Brandt, *Forelaesninger over den norske Retshistorie*, 2 vols. (Christiania, 1883); v. Amira, *Das altnorwegische Vollstreckungsverfahren* (Munich, 1874); Bring, *De iudicio homicidii sec. jura Suegotiæ vetusta* (Lund, 1820); Taranger, *Om det norske Retshistorie*, i. (Christiania, 1899); Binding, *Die Entstehung d. öffentlichen Strafe im germanisch-deutschen Recht* (Leipzig, 1903); Kohler, *Zur Lehre von der Blutrache* (Würzburg, 1885).

E. MOGK.

BOASTING.—Boasting is too extended and assertive a human failing to require defining. In quality it is simple, and appears even to require simplicity of character, of the type set forth in Proverbs, in which to flourish. Nevertheless, it has a history and a literature of its own; it is an interesting and instructive psychological phenomenon; it has grave moral aspects and extensive moral ramifications; it has a bearing on religion strangely subtle for a defect of character which is apparently so direct and blatant.

I. Historical.—That boasting began early, continued late, and drew attention to itself among all races in all times, language alone would suffice to prove. Few languages are satisfied with terms merely descriptive, unless—like Lat. *glorior*, Ger. *prahlen*, or Eng. 'self-glorification'—they be large-sounding, resonant words. Most languages are more concrete and figurative. Loudness of speech produces the Heb. נָאָה, Gr. *καυχάσθαι*, and probably our 'brag'; and spaciousness of speech the Gr. *μεγαλαινέω*, and our 'tall-talk.' To good lungs is added the noisiest of musical instruments, 'to blow one's own trumpet,' and Fr. *fanfaronnade*. The idea